Montana Legislative History

Chapter: 533 Session L: 2021

Bill Number: HB 527

Checklist of Bill History

History and Final Status Sheet	x
Introduced Bill	X
Fiscal Note	n/a
Third Reading Bill	X
Final Version of Bill	X

House

Committee:
Natural Resources

Hearing Date(s):

Feb. 26, 2021

Senate

Committee: Local Government

Hearing Date(s):

March 24, 2021

March 31, 2021 (Executive Action)

Conference Committee

n/a

Compiler Notes

Compiled by: sg

Date: 9/17/24

Notes:

Bill Explorer - HB 527: Require draft proposals before initiating a county zoning/planning board

Summary

Sponsoredby: Nave, Fiona
(R) HD 57

Progress		
Status	**Date**	**Passed**
Introduced	02/22/21	✓
Passed (H) Committee	02/27/21	✓
Passed House	03/02/21	✓
Passed (S) Committee	04/01/21	✓
Passed Senate	04/08/21	✓
To Governor	05/04/21	✓

Draft #	LC2923
Amendment(s)	No
Chapter #	533
Current Status	Chapter Number Assigned
Co-Sponsor(s)	None
Drafter	Henneman, Toni

Requester	Nave, Fiona
Fiscal Note	No
Preintroduction Required	No
Category	General Bills
Subject(s)	Property, Counties (see also: Local Government), Planning and Development,
Transmittal Date	03/02/21
Return Date	04/20/21

Sections Affected	Effective Date	Qualifier
All Sections	05/14/2021	

Bill Explorer - HB 527: Require draft proposals before initiating a county zoning/planning board

Status

Date	Action	Committee	Yes Votes	No Votes
05/14/21	Chapter Number Assigned			
05/14/21	(H) Signed by Governor			
05/04/21	(H) Transmitted to Governor			
05/04/21	(S) Signed by President			
05/04/21	(H) Signed by Speaker			
05/03/21	(C) Printed - Enrolled Version Available			
05/03/21	(H) Returned from Enrolling			
04/26/21	(H) Sent to Enrolling			
04/26/21	(H) 3rd Reading Passed as Amended by Senate		65	33
04/26/21	(H) Scheduled for 3rd Reading			
04/23/21	(H) 2nd Reading Senate Amendments Concurred		71	29
04/23/21	(H) Scheduled for 2nd Reading			
04/08/21	(S) Returned to House with Amendments			
04/08/21	(S) 3rd Reading Concurred		28	20

Date	Action	Committee	Yes Votes	No Votes
04/08/21	(S) Scheduled for 3rd Reading			
04/07/21	(S) 2nd Reading Concurred		26	24
04/07/21	(S) Scheduled for 2nd Reading			
04/01/21	(C) Printed - New Version Available			
04/01/21	(S) Committee Report--Bill Concurred as Amended	(S) Local Government		
03/31/21	(S) Committee Executive Action--Bill Concurred as Amended	(S) Local Government	6	4
03/24/21	(S) Hearing	(S) Local Government		
03/08/21	(S) Referred to Committee	(S) Local Government		
03/08/21	(S) First Reading			
03/02/21	(H) Transmitted to Senate			
03/02/21	(H) 3rd Reading Passed		61	38
03/02/21	(H) Scheduled for 3rd Reading			
03/01/21	(H) 2nd Reading Passed		65	35
03/01/21	(H) Scheduled for 2nd Reading			
02/27/21	(H) Committee Report--Bill Passed as Amended	(H) Natural Resources		
02/27/21	(C) Printed - New Version Available			
02/26/21	(H) Committee Executive Action--Bill Passed as Amended	(H) Natural Resources	9	6

Date	Action	Committee	Yes Votes	No Votes
02/26/21	(H) Hearing	(H) Natural Resources		
02/24/21	(H) Hearing Canceled	(H) Local Government		
02/24/21	(H) Rereferred to Committee	(H) Natural Resources		
02/23/21	(C) Amendments Available			
02/22/21	(H) First Reading			
02/22/21	(H) Referred to Committee	(H) Local Government		
02/19/21	(C) Introduced Bill Text Available Electronically			
02/19/21	(H) Introduced			
02/19/21	(C) Draft Delivered to Requester			
02/18/21	(C) Draft Ready for Delivery			
02/18/21	(C) Executive Director Final Review			
02/18/21	(C) Draft Ready for Delivery			
02/18/21	(C) Draft in Assembly			
02/18/21	(C) Executive Director Review			
02/18/21	(C) Bill Draft Text Available Electronically			
02/18/21	(C) Draft in Final Drafter Review			
02/18/21	(C) Draft in Input/Proofing			

Date	Action	Committee	Yes Votes	No Votes
02/17/21	(C) Bill Draft Text Available Electronically			
02/17/21	(C) Draft in Final Drafter Review			
02/17/21	(C) Draft in Input/Proofing			
02/17/21	(C) Draft to Drafter - Edit Review			
02/16/21	(C) Draft in Edit			
02/16/21	(C) Draft in Legal Review			
02/12/21	(C) Draft to Requester for Review			
02/12/21	(C) Draft Taken Off Hold			
02/08/21	(C) Draft On Hold			
12/13/20	(C) Draft Request Received			

Showing 1 to 58 of 58 entries

Fiscal

Date	Status
No matching results found	

Fiscal Documents
No matching results found

Fiscal Rebuttals
No matching results found

Amendments

Amendment	Condensed Version
HB0527.001.001.pdf	No
HB0527.001.001_instructions.pdf	No
HB0527.002.001.pdf	No
HB0527001SCH19621.hlc.pdf	No

Documents And Links

Previous Versions

HB0527_X.pdf
HB0527_3.pdf
HB0527_2.pdf
HB0527_1.pdf

Other

None

the control of the licensee or the concessionaire and not interrupted by any area in which one of the parties does not have control.

(b) The term includes multiple floors on the premises and common areas necessarily shared by multiple building tenants in order to allow patrons to access other tenant businesses or private dwellings in the same building, including but not limited to entryways, hallways, stairwells, and elevators."

Section 2. Grandfather clause. (1) Except as provided for entities that elect to comply with [this act] in 16-4-418(7)(b), [this act] does not apply to concession agreements in effect or submitted to the department for approval prior to January 1, 2021. Concession agreements in effect or submitted to the department for approval prior to January 1, 2021, may remain in effect until a licensee applies for and receives department approval to change ownership or location of the license or when an existing license and concessionaire elect to comply with [this act]. Concession agreements in effect or submitted to the department prior to January 1, 2021, may have their terms extended indefinitely and may be assigned to new concessionaires operating in the same premises as long as the provisions of the concession agreements are otherwise unmodified.

(2) [This act] does not extinguish concession agreements already in existence for entities licensed under 16-4-201(8) or 16-4-213, including those agreements previously subject to an expiration date, or the rights of licenses under 16-4-201(8) existing before January 1, 2021, to enter into concession agreements.

(3) [This act] does not impair the rights of veteran and fraternal organizations that have had a license under 16-4-201(8) and concession agreement in place on or after January 1, 2016, from using or obtaining a veteran or fraternal license and entering into concession agreements pursuant to 16-4-418.

Section 3. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 4. Effective date. [This act] is effective on passage and approval.

Section 5. Applicability. For entities entering into a concession agreement where one has not previously existed, the provisions of [this act] apply immediately. For entities electing to comply with [this act] under [section 1(7)(b)], the provisions of [this act] apply September 1, 2021.

Approved May 14, 2021

CHAPTER NO. 533

[HB 527]

AN ACT GENERALLY REVISING LAWS RELATED TO PLANNING AND ZONING DISTRICTS; EXTENDING THE PERIOD TO PROTEST THE CREATION OF A PLANNING AND ZONING DISTRICT; REQUIRING THE SUBMITTAL OF DRAFT RESOLUTIONS TO THE BOARD OF COUNTY COMMISSIONERS; PROHIBITING ZONING REGULATIONS FROM REGULATING MINERALS OR MINERAL RIGHTS; AMENDING SECTIONS 76-2-101, 76-2-109, AND 82-11-112, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 76-2-101, MCA, is amended to read:

"**76-2-101. Planning and zoning commission and district.** (1) Subject to the provisions of ~~subsection~~ *subsections* (5) *and (6)*, whenever the public interest or convenience may require and upon petition of 60% of the affected real property owners in the proposed district, the board of county commissioners may create a planning and zoning district and *may* appoint a planning and zoning commission consisting of *up to* seven members.

(2) A planning and zoning district may not be created in an area that has been zoned by an incorporated city pursuant to 76-2-310 and 76-2-311.

(3) For the purposes of this part, the word "district" means any area that consists of not less than 40 acres.

(4) Except as provided in subsection (5), an action challenging the creation of a planning and zoning district must begin within 6 months after the date of the order by the board of county commissioners creating the district.

(5) If real property owners representing 50% of the titled property ownership in the district protest the establishment of the district within ~~30~~ *90* days of its creation, the board of county commissioners may not create the district. An area included in a district protested under this subsection may not be included in a zoning district petition under this section for a period of 1 year.

(6) (a) Before the board of county commissioners determines whether the number of affected real property owners necessary to meet the petition requirement of subsection (1) has been met, draft documents of the proposed materials that may potentially govern the proposed district must be made available to the board of county commissioners. Draft documents of the proposed materials required in this subsection (6) may include but are not limited to drafts of:

(i) a development pattern as provided in 76-2-104;

(ii) a resolution as provided in 76-2-107; and

(iii) the land use and zoning regulations as provided in 76-2-107.

(b) The final adopted development pattern, resolutions, and other materials that govern the zoning district as required in 76-2-104 and 76-2-107 must be similar to the draft documents provided to the county commissioners as required in subsection (6)(a)."

Section 2. Section 76-2-109, MCA, is amended to read:

"**76-2-109. Effect on natural resources.** *(1)* ~~No planning district or recommendations~~ *Regulations* adopted under this part ~~shall~~ *may not* regulate lands used for grazing, horticulture, agriculture, ~~or~~ the growing of timber*, or the complete use, development, or recovery of any mineral.*

(2) (a) A provision of this part may not be construed to alter law regarding the primacy of the mineral estate, to limit access to the mineral estate, or to limit development of the mineral estate.

(b) A resolution or rule adopted pursuant to the provisions of this part may not prevent the complete use, development, or recovery of any mineral that is under the jurisdiction of the board of oil and gas conservation pursuant to Title 82, chapter 11, part 1."

Section 3. Section 82-11-112, MCA, is amended to read:

"**82-11-112. Intergovernmental cooperation.** ~~The~~ *Subject to 76-2-109, the* board may cooperate with any other state, interstate, or federal agency and other governmental agencies of the state to effect the objects and purposes of this chapter and expend such funds as may be reasonably necessary in connection therewith."

Section 4. Effective date. [This act] is effective on passage and approval.

Approved May 14, 2021

HOUSE BILL NO. 527

INTRODUCED BY F. NAVE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO PLANNING AND ZONING DISTRICTS; REQUIRING THE SUBMISSION OF DRAFT PROPOSALS OF DEVELOPMENT PATTERNS AND ZONING REGULATIONS BEFORE DETERMINING THE NUMBER OF PETITIONS NECESSARY TO CREATE A CITIZEN-INITIATED ZONING DISTRICT; EXTENDING THE PERIOD TO PROTEST THE CREATION OF A PLANNING AND ZONING DISTRICT; REQUIRING THE SUBMITTAL OF DRAFT RESOLUTIONS TO THE BOARD OF COUNTY COMMISSIONERS; PROVIDING THAT PETITIONERS ARE LIABLE FOR EXTRA COSTS RELATED TO THE VALIDATION OF SIGNATURES OF MINERAL RIGHTS OWNERS; AND AMENDING SECTION 76-2-101, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-2-101, MCA, is amended to read:

"**76-2-101. Planning and zoning commission and district.** (1) (a) Subject to the provisions of ~~subsection~~ subsections (5) and (6), whenever the public interest or convenience may require and upon petition of 60% of the affected real property owners in the proposed district, the board of county commissioners may create a planning and zoning district and may appoint a planning and zoning commission consisting of up to seven members.

(b) If the affected real property owners as provided in subsection (1)(a) are determined to include owners of mineral rights in the proposed district, the petitioners are liable for any additional costs necessary to collect and verify the names and addresses of the owners of mineral rights if the county does not already have the information readily available.

(2) A planning and zoning district may not be created in an area that has been zoned by an incorporated city pursuant to 76-2-310 and 76-2-311.

(3) For the purposes of this part, the word "district" means any area that consists of not less than 40 acres.

(4) Except as provided in subsection (5), an action challenging the creation of a planning and zoning district must begin within 6 months after the date of the order by the board of county commissioners creating the district.

(5) If real property owners representing 50% of the titled property ownership in the district protest the establishment of the district within ~~30~~ 90 days of its creation, the board of county commissioners may not create the district. An area included in a district protested under this subsection may not be included in a zoning district petition under this section for a period of 1 year.

(6) (a) Before the board of county commissioners determines whether the number of affected real property owners necessary to meet the petition requirement of subsection (1) has been met, draft documents of the proposed materials that may potentially govern the proposed district must be made available to the board of county commissioners. Draft documents of the proposed materials required in this subsection (6) may include but are not limited to drafts of:

(i) a development pattern as provided in 76-2-104;

(ii) a resolution as provided in 76-2-107; and

(iii) the land use and zoning regulations as provided in 76-2-107.

(b) The board of county commissioners shall use the draft documents provided as required in subsection (6)(a) to determine the real property owners in the district that qualify as affected property owners pursuant to subsection (1).

(c) The final adopted development pattern, resolutions, and other materials that govern the zoning district as required in 76-2-104 and 76-2-107 must be substantially similar to the draft documents provided to the county commissioners as required in subsection (6)(a)."

- END -

HOUSE BILL NO. 527

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A BILL FOR AN ACT ENTITLED: “AN ACT GENERALLY REVISING LAWS RELATED TO PLANNING AND ZONING DISTRICTS; REQUIRING THE SUBMISSION OF DRAFT PROPOSALS OF DEVELOPMENT PATTERNS AND ZONING REGULATIONS BEFORE DETERMINING THE NUMBER OF PETITIONS NECESSARY TO CREATE A CITIZEN-INITIATED ZONING DISTRICT; EXTENDING THE PERIOD TO PROTEST THE CREATION OF A PLANNING AND ZONING DISTRICT; REQUIRING THE SUBMITTAL OF DRAFT RESOLUTIONS TO THE BOARD OF COUNTY COMMISSIONERS; PROVIDING THAT PETITIONERS ARE LIABLE FOR EXTRA COSTS RELATED TO THE VALIDATION OF SIGNATURES OF MINERAL RIGHTS OWNERS; ~~AND~~ AMENDING SECTION 76-2-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.”

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(2) A planning and zoning district may not be created in an area that has been zoned by an incorporated city pursuant to 76-2-310 and 76-2-311.

(3) For the purposes of this part, the word "district" means any area that consists of not less than 40

acres.

(4) Except as provided in subsection (5), an action challenging the creation of a planning and zoning district must begin within 6 months after the date of the order by the board of county commissioners creating the district.

(5) If real property owners representing 50% of the titled property ownership in the district protest the establishment of the district within ~~30~~ 90 days of its creation, the board of county commissioners may not create the district. An area included in a district protested under this subsection may not be included in a zoning district petition under this section for a period of 1 year.

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(b) The board of county commissioners shall use the draft documents provided as required in subsection (6)(a) to determine the real property owners in the district that qualify as affected property owners pursuant to subsection (1).

(c) The final adopted development pattern, resolutions, and other materials that govern the zoning district as required in 76-2-104 and 76-2-107 must be substantially similar to the draft documents provided to the county commissioners as required in subsection (6)(a)."

NEW SECTION. **SECTION 2. EFFECTIVE DATE.** [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.

- END -

HOUSE BILL NO. 527

INTRODUCED BY F. NAVE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO PLANNING AND ZONING DISTRICTS; ~~REQUIRING THE SUBMISSION OF DRAFT PROPOSALS OF DEVELOPMENT PATTERNS AND ZONING REGULATIONS BEFORE DETERMINING THE NUMBER OF PETITIONS NECESSARY TO CREATE A CITIZEN-INITIATED ZONING DISTRICT;~~ EXTENDING THE PERIOD TO PROTEST THE CREATION OF A PLANNING AND ZONING DISTRICT; REQUIRING THE SUBMITTAL OF DRAFT RESOLUTIONS TO THE BOARD OF COUNTY COMMISSIONERS; PROHIBITING ZONING REGULATIONS FROM REGULATING MINERALS OR MINERAL RIGHTS; ~~PROVIDING THAT PETITIONERS ARE LIABLE FOR EXTRA COSTS RELATED TO THE VALIDATION OF SIGNATURES OF MINERAL RIGHTS OWNERS; AND~~ AMENDING ~~SECTION~~ SECTIONS 76-2-101, 76-2-109, AND 82-11-112, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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"**76-2-101. Planning and zoning commission and district.** (1) ~~(a)~~ Subject to the provisions of ~~subsection~~ subsections (5) and (6), whenever the public interest or convenience may require and upon petition of 60% of the affected real property owners in the proposed district, the board of county commissioners may create a planning and zoning district and may appoint a planning and zoning commission consisting of up to seven members.

~~(b) If the affected real property owners as provided in subsection (1)(a) are determined to include owners of mineral rights in the proposed district, the petitioners are liable for any additional costs necessary to collect and verify the names and addresses of the owners of mineral rights if the county does not already have the information readily available.~~

(2) A planning and zoning district may not be created in an area that has been zoned by an incorporated city pursuant to 76-2-310 and 76-2-311.

(3) For the purposes of this part, the word "district" means any area that consists of not less than 40 acres.

(4) Except as provided in subsection (5), an action challenging the creation of a planning and zoning district must begin within 6 months after the date of the order by the board of county commissioners creating the district.

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~~(b) The board of county commissioners shall use the draft documents provided as required in subsection (6)(a) to determine the real property owners in the district that qualify as affected property owners pursuant to subsection (1).~~

~~(c)~~(B) The final adopted development pattern, resolutions, and other materials that govern the zoning district as required in 76-2-104 and 76-2-107 must be ~~substantially~~ similar to the draft documents provided to the county commissioners as required in subsection (6)(a)."

SECTION 2. SECTION 76-2-109, MCA, IS AMENDED TO READ:

"**76-2-109. Effect on natural resources.** (1) ~~No planning district or recommendations~~ Regulations adopted under this part ~~shall~~ may not regulate lands used for grazing, horticulture, agriculture, ~~or~~ the growing of timber, or the complete use, development, or recovery of any mineral.

(2) (a) A provision of this part may not be construed to alter law regarding the primacy of the mineral estate, to limit access to the mineral estate, or to limit development of the mineral estate.

(b) A resolution or rule adopted pursuant to the provisions of this part may not prevent the complete use, development, or recovery of any mineral that is under the jurisdiction of the board of oil and gas conservation pursuant to Title 82, chapter 11, part 1."

SECTION 3. SECTION 82-11-112, MCA, IS AMENDED TO READ:

"**82-11-112. Intergovernmental cooperation.** ~~The~~ Subject to 76-2-109, the board may cooperate with any other state, interstate, or federal agency and other governmental agencies of the state to effect the objects and purposes of this chapter and expend such funds as may be reasonably necessary in connection therewith."

NEW SECTION. **Section 4. EFFECTIVE DATE.** [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.

- END -

AN ACT GENERALLY REVISING LAWS RELATED TO PLANNING AND ZONING DISTRICTS; EXTENDING THE PERIOD TO PROTEST THE CREATION OF A PLANNING AND ZONING DISTRICT; REQUIRING THE SUBMITTAL OF DRAFT RESOLUTIONS TO THE BOARD OF COUNTY COMMISSIONERS; PROHIBITING ZONING REGULATIONS FROM REGULATING MINERALS OR MINERAL RIGHTS; AMENDING SECTIONS 76-2-101, 76-2-109, AND 82-11-112, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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(b) A resolution or rule adopted pursuant to the provisions of this part may not prevent the complete use, development, or recovery of any mineral that is under the jurisdiction of the board of oil and gas conservation pursuant to Title 82, chapter 11, part 1."

Section 3. Section 82-11-112, MCA, is amended to read:

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Section 4. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,

HB 527, originated in the House.

_____

Chief Clerk of the House

_____

Speaker of the House

Signed this _____day

of_____, 2021.

_____

President of the Senate

Signed this _____day

of_____, 2021.

HOUSE BILL NO. 527

INTRODUCED BY F. NAVE

AN ACT GENERALLY REVISING LAWS RELATED TO PLANNING AND ZONING DISTRICTS; EXTENDING THE PERIOD TO PROTEST THE CREATION OF A PLANNING AND ZONING DISTRICT; REQUIRING THE SUBMITTAL OF DRAFT RESOLUTIONS TO THE BOARD OF COUNTY COMMISSIONERS; PROHIBITING ZONING REGULATIONS FROM REGULATING MINERALS OR MINERAL RIGHTS; AMENDING SECTIONS 76-2-101, 76-2-109, AND 82-11-112, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: Chair Steve Gunderson, on February 26, 2021 at 4:10 PM, in Room 172 Capitol

ROLL CALL

Members Present:

Rep. Steve Gunderson, Chair (R)
Rep. Willis Curdy, Vice Chair (D)
Rep. Rhonda Knudsen, Vice Chair (R)
Rep. Robert Farris-Olsen (D)
Rep. Ross H. Fitzgerald (R)
Rep. Tom France (D)
Rep. Steven Galloway (R)
Rep. Steve Gist (R)
Rep. Marty Malone (R)
Rep. Marilyn Marler (D)
Rep. Brian Putnam (R)
Rep. Kenneth Walsh (R)

Members Excused:

Rep. Paul Fielder (R)
Rep. Mark Noland (R)
Rep. Marvin Weatherwax (D)

Members Absent: None

Staff Present:

Jacquelynn Bomgardner, Committee Secretary
Joe Kolman, Legislative Branch
Rachael Foe, Remote Meeting Coordinator

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted:	HJ 17, 2/24/2021; HB 554, 2/24/2021; HB 594, 2/24/2021; HB 599, 2/24/2021; HB 527, 2/24/2021; HB 419, 2/22/2021
Executive Action on:	HJ 17; HB 419; HB 527; HB 554; HB 594; HB 599; HB 518

EXECUTIVE ACTION ON HB 419

16:09:26 **Motion:** Without objection Rep. Gunderson moved that **HB 419 BE TABLED**.

EXECUTIVE ACTION ON HB 518

16:09:52 **Motion:** Without objection Rep. Gunderson moved that **HB 518 BE TABLED**.

HEARING ON HJ 17

Opening Statement by Sponsor:
16:11:06 Rep. Marilyn Marler (D), HD 90, opened the hearing on HJ 17, Declare noxious weed awareness week.

Proponents' Testimony:
16:12:49 Dave Burch, Montana Weed Control Association (MWCA)
EXHIBIT(nah41a01)

16:16:22 Jessica Bushnell, Montana Weed Control Association (MWCA)
16:17:05 Ian Foley, Montana Department of Agriculture (AGR)
16:17:30 Rachel Cone, Montana Farm Bureau Federation (MFBF)
16:17:58 Rep. Noland joined the meeting.
16:18:06 Pam Converse, Montana Weed Control Association (MWCA); Rocky Mountain Front Weed Roundtable (RMFWR)
16:18:13 Rep. Noland joined the meeting.

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:
16:19:39 Rep. Galloway

Closing by Sponsor:
16:19:56 Rep. Marler

16:21:43 Rep. Marler left the meeting.

HEARING ON HB 594

Opening Statement by Sponsor:
16:21:50 Rep. Joe Read (R), HD 93, opened the hearing on HB 594, Exempt DNRC grants from environmental review.

Proponents' Testimony:
16:23:15 Jason Todhunter, Montana Logging Association (MLA)
EXHIBIT(nah41a02)

16:25:54 Sonya Germann, Department of Natural Resources & Conservation (DNRC)
EXHIBIT(nah41a03)

16:29:00 Rep. Noland left the meeting

Opponents' Testimony:
16:29:06 Josh Butterfly, self
16:29:50 Anne Hedges, Montana Environmental Information Center (MEIC)

Informational Testimony:
16:31:48 Matt Arno, Department of Natural Resources & Conservation (DNRC)

Questions from Committee Members and Responses:
16:32:23 Rep. France
16:33:03 Rep. Read
16:34:04 Vice Chair Curdy
16:35:25 Sonya Germann, DNRC
16:36:25 Rep. France
16:37:34 Sonya Germann, DNRC

Closing by Sponsor:
16:38:51 Rep. Read

HEARING ON HB 527

Opening Statement by Sponsor:
16:39:57 Rep. Fiona Nave (R), HD 57, opened the hearing on HB 527, Require draft proposals before initiating a county zoning/planning board.

16:42:07 Rep. Marler joined the meeting.

Proponents' Testimony: None

Opponents' Testimony:
16:46:44 Sam Sill, Montana Association of Realtors (MAR)
16:50:49 David Katz, self
EXHIBIT(nah41a04)

16:52:39 Anne Hedges, Montana Environmental Information Center (MEIC)

Informational Testimony: None

Questions from Committee Members and Responses:
16:54:22 Rep. Putnam
16:54:44 Rep. Nave
16:55:42 Rep. Walsh
16:56:56 Rep. Nave
16:58:15 Rep. France
16:59:42 Rep. Nave
17:01:17 Vice Chair Curdy

17:02:54 Sam Sill, MAR
17:03:20 Chair Gunderson
17:07:13 David Katz, self
17:07:18 Chair Gunderson
17:08:07 Alan Olson, Montana Petroleum Association (MPA)
17:08:54 Rep. France
17:09:05 Chair Gunderson
17:09:20 Rep. France
17:09:27 Alan Olson, MPA
17:09:40 Rep. France
17:10:57 Alan Olson, MPA

Closing by Sponsor:
17:11:22 Rep. Nave

17:13:26 Rep. Fielder joined the meeting.

HEARING ON HB 554

Opening Statement by Sponsor:
17:16:29 Rep. Joshua Kassmier (R), HD 27, opened the hearing on HB 554, Require legislative approval of national heritage areas, historic trails.

Proponents' Testimony:
17:17:59 Dana Darrlington, Montana Stockgrowers Association (MSGA)
17:20:50 Raylee Honeycutt, Montana Stockgrowers Association (MSGA); Montana Cattlewomen (MCW); Montana Association of State Grazing Districts (MASGD) Treasure State Resources Association (TSRA)
17:23:10 Abigail St. Lawrence, Montana Building Industry Association (MBIA)
17:23:54 Rep. France left the meeting.
17:24:43 Sam Sill, Montana Association of Realtors (MAR)
17:25:24 Mitch Konen, Montana Grain Growers Association (MGGA)
EXHIBIT(nah41a05)

17:27:03 Jess Bandel, Montana Farm Bureau Federation (MFBF)
17:28:50 Dave McEwen, Montana Wool Growers Association (MWGA)
17:29:15 Rachel Cone, Montana Farm Bureau Federation (MFBF)
17:29:57 Ronda Wiggers, Great Fall Home Builders Association (GFHBA)
17:31:28 Terry Thompson, Great Falls Association of Realtors (GFAR)
17:33:35 Katie Hanning, self
17:33:57 Commissioner Ross Butcher, Fergus County; Montana Natural Resource Coalition (MtNRC)
17:36:08 Nathan Keane, Montana Grain Growers Association (MGGA)
17:37:35 Commissioner Miles Hutton, Blaine County; Montana Natural Resource Coalition (MtNRC)
17:38:07 Rep. Noland joined the meeting.
17:38:33 Rea Grulkowski, self

Opponents' Testimony:
17:42:37 Laurie Little Dog, self
EXHIBIT(nah41a06)

Informational Testimony: None

Questions from Committee Members and Responses:
17:43:21 Rep. Gist
17:43:50 Rep. Fielder
17:44:13 Rep. Kassmier
17:44:25 Rep. Malone
17:44:44 Rep. Fitzgerald
17:45:26 Rep. France joined the meeting.
17:45:32 Dana Darrlington, MSGA
17:46:26 Rep. Fitzgerald
17:46:56 Terry Thompson, GFHBA
17:48:33 Rep. Fitzgerald
17:49:02 Chair Gunderson
17:49:40 Rep. Galloway
17:51:41 Terry Thompson, GFHBA
17:53:25 Rep. Galloway
17:53:42 Vice Chair R. Knudsen
17:54:17 Terry Thompson, GFHBA
17:55:43 Rep. Galloway
17:55:58 Terry Thompson, GFHBA
17:56:17 Chair Gunderson
17:57:23 Dana Darrlington, MSGA
17:59:03 Chair Gunderson
17:59:21 Rep. Kassmier
17:59:35 Chair Gunderson
17:59:39 Rep. Kassmier
17:59:56 Rep. Galloway
18:00:38 Rep. Kassmier

Closing by Sponsor:
18:01:10 Rep. Kassmier

18:02:46 Brief Recess
18:12:28 Reconvened with Vice Chair R. Knudsen as Chair.

HEARING ON HB 599

Opening Statement by Sponsor:
18:12:42 Rep. Steve Gunderson (R), HD 1, opened the hearing on HB 599, Generally revise opencut laws.

Proponents' Testimony:
18:15:43 Steve Wade, Montana Contractors Association (MCA)
18:16:47 Michael Bacon, Dawson and McCone County Road Department
EXHIBIT(nah41a07)

18:19:03 Rob Koelzer, Schellinger Construction; Montana Contractors Association (MCA)
EXHIBIT(nah41a08)

18:21:06 Mike Newton, Fisher Sand and Gravel Company
18:22:53 David Smith, Montana Contractors Association (MCA)

Opponents' Testimony:
18:24:38 Anne Hedges, Montana Environmental Information Center (MEIC)

Informational Testimony:
18:28:47 Christopher Cronin, Montana Department of Environmental Quality (DEQ)

Questions from Committee Members and Responses:
18:29:24 Rep. Galloway
18:32:00 Chris Cronin, DEQ
18:32:18 Rep. Malone
18:33:31 Rep. Gunderson
18:33:42 Steve Wade, MCA
18:34:21 Vice Chair Curdy
18:34:42 Anne Hedges, MEIC

Closing by Sponsor:
18:36:52 Rep. Gunderson

18:40:04 Recess
19:00:03 Reconvened with Rep. Gunderson as Chair.

EXECUTIVE ACTION ON HJ 17

19:00:42 **Motion/Vote:** Rep. R. Knudsen moved that **HJ 17 DO PASS**. Motion carried unanimously by voice vote. Rep. Weatherwax voted by proxy.

EXECUTIVE ACTION ON HB 594

19:01:53 **Motion/Vote:** Rep. R. Knudsen moved that **HB 594 DO PASS**. Motion carried 10-5 by roll call vote with Rep. Curdy, Rep. Farris-Olsen, Rep. France, Rep. Marler and Rep. Weatherwax voting no. Rep. Weatherwax voted by proxy.

EXECUTIVE ACTION ON HB 527

19:03:27 **Motion:** Rep. R. Knudsen moved that **HB 527 DO PASS**.

19:03:36 **Motion:** Rep. R. Knudsen moved that **HB 527 BE AMENDED**.
EXHIBIT(nah41a09)

Discussion:
19:04:00 Rep. Putnam

19:04:42 **Vote:** Motion carried unanimously by voice vote. Rep. Weatherwax voted by proxy.

19:05:10 **Motion:** Rep. R. Knudsen moved that **HB 527 DO PASS AS AMENDED**.

Discussion:
19:05:22 Rep. France
19:06:16 Rep. Malone
19:06:48 Rep. France
19:08:10 Rep. Malone

19:08:35 **Vote:** Motion carried 9-6 by roll call vote with Rep. Curdy, Rep. Farris-Olsen, Rep. France, Rep. Marler, Rep. Putnam and Rep. Weatherwax voting no. Rep. Weatherwax voted by proxy.

EXECUTIVE ACTION ON HB 554

19:09:43 **Motion:** Rep. R. Knudsen moved that **HB 554 DO PASS**.

Discussion:
19:09:59 Rep. Galloway
19:10:32 Vice Chair Curdy
19:11:28 Rep. Malone
19:11:57 Chair Gunderson
19:12:36 Rep. Galloway

19:12:56 **Vote:** Motion carried 13-2 by roll call vote with Rep. Farris-Olsen and Rep. Marler voting no. Rep. Weatherwax voted by proxy.

EXECUTIVE ACTION ON HB 599

19:14:05 **Motion:** Rep. R. Knudsen moved that **HB 599 DO PASS**.

19:14:17 **Motion:** Rep. R. Knudsen moved that **HB 599 BE AMENDED**.
EXHIBIT(nah41a10)

Discussion:
19:14:34 Joe Kolman, Legislative Services Division (LSD)
19:16:03 Rep. Malone
19:16:22 Joe Kolman, LSD

19:16:38 **Vote:** Motion carried unanimously by voice vote. Rep. Weatherwax voted by proxy.

19:17:06 **Motion:** Rep. R. Knudsen moved that **HB 599 DO PASS AS AMENDED**.

Discussion:

19:17:20 Rep. Marler
19:17:49 Chair Gunderson
19:18:17 Rep. Malone

19:18:58 **Vote:** Motion carried 10-5 by roll call vote with Rep. Curdy, Rep. Farris-Olsen, Rep. France, Rep. Marler and Rep. Weatherwax voting no. Rep. Weatherwax voted by proxy.

ADJOURNMENT

Adjournment: 19:20:14

_____
Jacquelynn Bomgardner, Secretary

jb

Additional Documents:

EXHIBIT(nah41aad.pdf)

EXHIBIT 4
DATE 2-24-2021
HB 527

Friede, Cristen

From: leg-noreply@mt.gov
Sent: Wednesday, February 24, 2021 2:53 PM
To: LEG Applications Email Backup; LEG Committee-House Local Govt testimony
Subject: Public Comment for Bill HB-527: Require draft proposals before initiating a county zoning/planning board 2021-02-25 03:00 PM - (H) Local Government Successfully Submitted on 02-24-21 14:53
Attachments: Testimonhy_HB27_David Katz.pdf

Details:
Bill: HB-527: Require draft proposals before initiating a county zoning/planning board 2021-02-25 03:00 PM - (H) Local Government
Position: Opponent
Representing an Entity/Another Person: No
Organization: N/A
Name: David Katz
Email: dkatzj@gmail.com
Phone: (408) 529-7410
City, State: Nye, MT
Written Statement: HB527 is a solution looking for a problem. It is unnecessary and actually imposes restrictions on Montana counties that will keep them from controlling the zoning regulations that take place under their jurisdiction.

In the 66 years since Part 1 zoning first became law in Montana, there have been at least 111 different Part 1 zones passed the state. Of these, not a single one has required the signatures of minerals owners, including those that dealt with surface restrictions on oil and gas activity. This has not caused a problem in the state. There has not been a single lawsuit by minerals owners for "taking" property, there has not been any reduction in oil and gas production in any county that put such a zone in place.
Files: Testimonhy_HB27_David Katz.pdf
Testify via Zoom: Yes
Zoom Method: Computer

Testimony on HB527, February 25, 2021
David Katz, Nye

HB527 is a solution looking for a problem. It is unnecessary and actually imposes restrictions on Montana counties that will keep them from controlling the zoning regulations that take place under their jurisdiction.

In the 66 years since Part 1 zoning first became law in Montana, there have been at least 111 different Part 1 zones passed the state. Of these, not a single one has required the signatures of minerals owners, including those that dealt with surface restrictions on oil and gas activity. This has not caused a problem in the state. There has not been a single lawsuit by minerals owners for "taking" property, there has not been any reduction in oil and gas production in any county that put such a zone in place.

And yet HB527 seeks to create an untenable system in which minerals owners dictate what happens on the surface. And in so doing, HB527 would restrict the right of county commissioners to manage the regulations that would be put in place, which real property owners would be required to sign a petition, and . Everyone would lose as a result.

Here is how county commissioners would lose authority over the process:

1. **Under current 76-2-101, commissioners may create a planning and zoning district and a planning and zoning commission whenever the public interest and convenience requires and 60% of the affected real property owners in the district petition for a zone. In this case, the commissioners control the composition of the commission, and must approve regulations created by the commission.**

   Under HB527, Section 1(b)(6)(a), petitioners must submit proposed "materials that may potentially govern the proposed district" with the petition, and "the final adopted development pattern, resolutions, and other materials that the zoning district...must be substantially similar to the draft documents." In this way the commissioners do not have the authority to substantially control the regulations put in place in their county.
2. **Under HB527, Section 1(b), "If the affected real property ownerss as provided in subsection (1)(a) are determined to include owners of mineral rights in the proposed district, the petitioners are liable for any additional costs necessary to collect and verify the names and addresses of the owners of mineral rights if the county does not have the information readily available.**

This makes the county the sole determinant of whether holders of mineral rights are "affected," and whether the county has the information "readily available. The lack of determinative standards for both these issues guarantee lawsuits for issues that have been regulated in other Montana counties without issue. These are unnecessary, and will undoubted result in legal action.

Representatives, HB527 is unnecessary. I urge you to not move this bill to the floor.

Sincerely,

David Katz
Nye

EXHIBIT 9
DATE 2-26-2021
HB 527

Amendments to House Bill No. 527
1st Reading Copy

Requested by Fiona Nave
For the (H) Local Government

Prepared by Toni Henneman
02/19/2021, 04:08:01

1. Title, line 11.
Following: "OWNERS;"
Strike: "AND"
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 2.
Following: line 21
Insert: "NEW SECTION. **Section 2. {standard} Effective date.** [This act] is effective on passage and approval."

- END -

Explanation - Note: Because the page and line numbers referred to in these amendment instructions are required to match the page and line numbers of the official bill version being amended, they will not necessarily match the page and line numbers shown in any related Amendments in Context document.

MINUTES

MONTANA SENATE
67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: Chair Terry Gauthier, on March 24, 2021 at 3:00 PM, in Room 405 Capitol

ROLL CALL

Members Present in the room:

Sen. Terry Gauthier, Chair (R)
Sen. John Esp, Vice Chair (R)
Sen. Shane A. Morigeau (D)

Members Present by Zoom Video Conference:

Sen. Carlie Boland (D)
Sen. Chris Friedel (R)
Sen. Christopher Pope (D)

Members Excused:

Sen. Ellie Boldman, Vice Chair (D)
Sen. Mark Blasdel (R)
Sen. Jason W. Ellsworth (R)
Sen. Steve Fitzpatrick (R)

Members Absent: None

Staff Present: Izmerai Alvarado, Committee Secretary
Toni Henneman, Legislative Branch
Monte Cole, Remote Meeting Coordinator

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 385, 3/18/2021; HB 527, 3/15/2021; HB 450 (continued from 3/15/2021)

HEARING ON HB 450 (continued from 03/15/2021)

HB 450, Provide that exempt divisions of land must meet zoning regulations.

Closing by Sponsor:
15:03:03 Rep. Steve Gunderson (R), HD 1

15:07:08 Sen. Esp left the meeting.

HEARING ON SB 385

Opening Statement by Sponsor:
15:07:57 Sen. Greg Hertz (R), SD 6, opened the hearing on SB385, Revise special district laws and provide time limit on property tax levies.
EXHIBIT(los58a01)

Proponents' Testimony:
15:16:13 Pam Ellis, Billings

Opponents' Testimony:
15:19:12 Tim Burton, Montana League of Cites and Towns (MLCT); also speaking on behalf of Eric Bryson, Montana Association of Counties
15:24:00 Carter Marsh, Montana State Council of Professional Fire Fighters
15:26:29 John MacDonald, City of Missoula; City of Bozeman

15:28:44 Rich Cowger, Montana Fire Alliance
EXHIBIT(los58a02)

15:31:43 Lin Stimpson, Montana City Volunteer Fire Department
15:33:27 Erik Burke, Montana Federation of Public Employees
15:35:07 Al Ekblad, Montana AFL-CLO
15:35:35 Mike Boyett, City of Billings
15:36:53 Shane Grube, Hebgen Basin Fire District

Additional Testimony Received:
EXHIBIT(los58a03)

Informational Testimony:
15:38:14 Tracy Cook, Montana State Library; Montana Library Association

Questions from Committee Members and Responses:
15:38:48 Sen. Friedel
15:39:34 Mr. Burton, MLCT
15:39:43 Sen. Friedel
15:40:14 Mr. Burton
15:40:55 Sen. Friedel
15:42:07 Sen. Pope
15:42:35 Sen. Friedel
15:42:53 Sen. Pope
15:44:08 Mr. Burton

15:45:14 Sen. Pope
15:45:46 Mr. Burton
15:47:50 Sen. Pope
15:49:17 Mr. Boyett, Billings
15:50:47 Sen. Pope
15:51:33 Mr. Boyett

Closing by Sponsor:
15:52:31 Sen. Hertz

HEARING ON HB 527

Opening Statement by Sponsor:
15:56:22 Rep. Fiona Nave (R), HD 57, opened the hearing on HB527, Require draft proposals before initiating a county zoning/planning board.
EXHIBIT(los58a04)

Proponents' Testimony:
16:03:40 Alan Olson, Montana Petroleum Association
EXHIBIT(los58a05)

Opponents' Testimony:
16:09:33 Sam Sill, Montana Association of Realtors
16:14:28 Archie Harper, West Valley Citizens Alliance
16:21:43 Bob Grudier, West Valley Citizens Alliance
EXHIBIT(los58a06)

16:25:42 Tom Heyneman, Fishtail

16:28:06 Tara DePuy, Montana Association of Counties
EXHIBIT(los58a07)

16:31:03 Mark Johnston, Salt Lake City
16:34:29 Andrew Hagemeier, Montana Association of Planners (MAP)
EXHIBIT(los58a08)

16:37:22 Derf Johnson, Montana Environmental Information Center
16:40:04 Mayre Flowers, Montana Smart Growth Coalition

Additional Testimony Received:
EXHIBIT(los58a09)

Informational Testimony: None

Questions from Committee Members and Responses:
16:42:55 Sen. Pope
16:44:12 Mr. Hagemeier, MAP

Closing by Sponsor:
16:45:22 Rep. Nave

16:45:36 Sen. Esp and President Blasdel entered the meeting.

ADJOURNMENT

Adjournment: 4:55 PM

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Izmerai Alvarado, Secretary

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Additional Documents:

EXHIBIT(los58aad.pdf)

MINUTES

MONTANA SENATE
67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: Chair Terry Gauthier, on March 24, 2021 at 3:00 PM, in Room 405 Capitol

ROLL CALL

Members Present in the room:

Sen. Terry Gauthier, Chair (R)
Sen. John Esp, Vice Chair (R)
Sen. Shane A. Morigeau (D)

Members Present by Zoom Video Conference:

Sen. Carlie Boland (D)
Sen. Chris Friedel (R)
Sen. Christopher Pope (D)

Members Excused:

Sen. Ellie Boldman, Vice Chair (D)
Sen. Mark Blasdel (R)
Sen. Jason W. Ellsworth (R)
Sen. Steve Fitzpatrick (R)

Members Absent: None

Staff Present: Izmerai Alvarado, Committee Secretary
Toni Henneman, Legislative Branch
Monte Cole, Remote Meeting Coordinator

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 385, 3/18/2021; HB 527, 3/15/2021; HB 450 (continued from 3/15/2021)

HEARING ON HB 450 (continued from 03/15/2021)

HB 450, Provide that exempt divisions of land must meet zoning regulations.

Closing by Sponsor:
15:03:03 Rep. Steve Gunderson (R), HD 1

15:07:08 Sen. Esp left the meeting.

HEARING ON SB 385

Opening Statement by Sponsor:
15:07:57 Sen. Greg Hertz (R), SD 6, opened the hearing on SB385, Revise special district laws and provide time limit on property tax levies.
EXHIBIT(los58a01)

Proponents' Testimony:
15:16:13 Pam Ellis, Billings

Opponents' Testimony:
15:19:12 Tim Burton, Montana League of Cites and Towns (MLCT); also speaking on behalf of Eric Bryson, Montana Association of Counties
15:24:00 Carter Marsh, Montana State Council of Professional Fire Fighters
15:26:29 John MacDonald, City of Missoula; City of Bozeman

15:28:44 Rich Cowger, Montana Fire Alliance
EXHIBIT(los58a02)

15:31:43 Lin Stimpson, Montana City Volunteer Fire Department
15:33:27 Erik Burke, Montana Federation of Public Employees
15:35:07 Al Ekblad, Montana AFL-CLO
15:35:35 Mike Boyett, City of Billings
15:36:53 Shane Grube, Hebgen Basin Fire District

Additional Testimony Received:
EXHIBIT(los58a03)

Informational Testimony:
15:38:14 Tracy Cook, Montana State Library; Montana Library Association

Questions from Committee Members and Responses:
15:38:48 Sen. Friedel
15:39:34 Mr. Burton, MLCT
15:39:43 Sen. Friedel
15:40:14 Mr. Burton
15:40:55 Sen. Friedel
15:42:07 Sen. Pope
15:42:35 Sen. Friedel
15:42:53 Sen. Pope
15:44:08 Mr. Burton

15:45:14 Sen. Pope
15:45:46 Mr. Burton
15:47:50 Sen. Pope
15:49:17 Mr. Boyett, Billings
15:50:47 Sen. Pope
15:51:33 Mr. Boyett

Closing by Sponsor:
15:52:31 Sen. Hertz

HEARING ON HB 527

Opening Statement by Sponsor:
15:56:22 Rep. Fiona Nave (R), HD 57, opened the hearing on HB527, Require draft proposals before initiating a county zoning/planning board.
EXHIBIT(los58a04)

Proponents' Testimony:
16:03:40 Alan Olson, Montana Petroleum Association
EXHIBIT(los58a05)

Opponents' Testimony:
16:09:33 Sam Sill, Montana Association of Realtors
16:14:28 Archie Harper, West Valley Citizens Alliance
16:21:43 Bob Grudier, West Valley Citizens Alliance
EXHIBIT(los58a06)

16:25:42 Tom Heyneman, Fishtail

16:28:06 Tara DePuy, Montana Association of Counties
EXHIBIT(los58a07)

16:31:03 Mark Johnston, Salt Lake City
16:34:29 Andrew Hagemeier, Montana Association of Planners (MAP)
EXHIBIT(los58a08)

16:37:22 Derf Johnson, Montana Environmental Information Center
16:40:04 Mayre Flowers, Montana Smart Growth Coalition

Additional Testimony Received:
EXHIBIT(los58a09)

Informational Testimony: None

Questions from Committee Members and Responses:
16:42:55 Sen. Pope
16:44:12 Mr. Hagemeier, MAP

Closing by Sponsor:
16:45:22 Rep. Nave

16:45:36 Sen. Esp and President Blasdel entered the meeting.

ADJOURNMENT

Adjournment: 4:55 PM

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Izmerai Alvarado, Secretary

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Additional Documents:

EXHIBIT(los58aad.pdf)

Amendment - 3rd Reading - Requested by: Fiona Nave

67th Legislature | Drafter: Toni Henneman, 406-444-3593 | HB 527.2.1

Senate Local Govt. Comm.
Exhibit No. 4
Date 3-24-2021
Bill No. HB 527

HOUSE BILL NO. 527

INTRODUCED BY F. NAVE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO PLANNING AND ZONING DISTRICTS; ~~REQUIRING THE SUBMISSION OF DRAFT PROPOSALS OF DEVELOPMENT PATTERNS AND ZONING REGULATIONS BEFORE DETERMINING THE NUMBER OF PETITIONS NECESSARY TO CREATE A CITIZEN-INITIATED ZONING DISTRICT~~; EXTENDING THE PERIOD TO PROTEST THE CREATION OF A PLANNING AND ZONING DISTRICT; REQUIRING THE SUBMITTAL OF DRAFT RESOLUTIONS TO THE BOARD OF COUNTY COMMISSIONERS; PROHIBITING ZONING REGULATIONS FROM REGULATING MINERALS OR MINERAL RIGHTS; ~~PROVIDING THAT PETITIONERS ARE LIABLE FOR EXTRA COSTS RELATED TO THE VALIDATION OF SIGNATURES OF MINERAL RIGHTS OWNERS; AND~~ AMENDING ~~SECTION~~ SECTIONS 76-2-101, 76-2-109, AND 82-11-112, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-2-101, MCA, is amended to read:

"**76-2-101. Planning and zoning commission and district.** (1) ~~(a)~~ Subject to the provisions of ~~subsection~~ subsections (5) and (6), whenever the public interest or convenience may require and upon petition of 60% of the affected real property owners in the proposed district, the board of county commissioners may create a planning and zoning district and may appoint a planning and zoning commission consisting of up to seven members.

~~(b) If the affected real property owners as provided in subsection (1)(a) are determined to include owners of mineral rights in the proposed district, the petitioners are liable for any additional costs necessary to collect and verify the names and addresses of the owners of mineral rights if the county does not already have the information readily available.~~

(2) A planning and zoning district may not be created in an area that has been zoned by an incorporated city pursuant to 76-2-310 and 76-2-311.

(3) For the purposes of this part, the word "district" means any area that consists of not less than 40 acres.

(4) Except as provided in subsection (5), an action challenging the creation of a planning and zoning district must begin within 6 months after the date of the order by the board of county commissioners creating the district.

(5) If real property owners representing 50% of the titled property ownership in the district protest the establishment of the district within ~~30~~ 90 days of its creation, the board of county commissioners may not create the district. An area included in a district protested under this subsection may not be included in a zoning district petition under this section for a period of 1 year.

(6) (a) Before the board of county commissioners determines whether the number of affected real property owners necessary to meet the petition requirement of subsection (1) has been met, draft documents of the proposed materials that may potentially govern the proposed district must be made available to the board of county commissioners. Draft documents of the proposed materials required in this subsection (6) may include but are not limited to drafts of:

(i) a development pattern as provided in 76-2-104;

(ii) a resolution as provided in 76-2-107; and

(iii) the land use and zoning regulations as provided in 76-2-107.

~~(b) The board of county commissioners shall use the draft documents provided as required in subsection (6)(a) to determine the real property owners in the district that qualify as affected property owners pursuant to subsection (1).~~

~~(c)~~(b) The final adopted development pattern, resolutions, and other materials that govern the zoning district as required in 76-2-104 and 76-2-107 must be ~~substantially~~ similar to the draft documents provided to the county commissioners as required in subsection (6)(a)."

Section 2. Section 76-2-109, MCA, is amended to read:

"76-2-109. Effect on natural resources. ~~(1) No planning district or recommendations~~ Regulations adopted under this part ~~shall~~ may not regulate lands used for grazing, horticulture, agriculture, ~~or~~ the growing of timber, or the complete use, development, or recovery of any mineral.

(2) (a) A provision of this part may not be construed to alter law regarding the primacy of the mineral estate, to limit access to the mineral estate, or to limit development of the mineral estate.

(b) A resolution or rule adopted pursuant to the provisions of this part may not prevent the complete use, development, or recovery of any mineral that is under the jurisdiction of the board of oil and gas conservation pursuant to Title 82, chapter 11, part 1."

Section 3. Section 82-11-112, MCA, is amended to read:

"**82-11-112. Intergovernmental cooperation.** ~~The~~Subject to 76-2-109, the board may cooperate with any other state, interstate, or federal agency and other governmental agencies of the state to effect the objects and purposes of this chapter and expend such funds as may be reasonably necessary in connection therewith."

NEW SECTION. **Section 4. EFFECTIVE DATE.** [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.

- END -

What if the minerals are federally owned? The BLM has its own set of regulations that apply to the relationship between a surface owner and a mineral developer who leases the federal minerals. The agency produces a brochure called "Split Estate - Rights, Responsibilities and Opportunities". It is available at local BLM offices.	
Under federal regulations, the mineral developer shall make a good faith effort to:	* Obtain a written surface use agreement with the surface owner. * Obtain a written waiver for access to the land from the surface owner. * Agree to pay for damages in an amount agreed to by the surface owner.
If a good faith effort to reach an agreement fails, the mineral developer shall:	* Post a bond of at least $1,000.

For More Information

Searchable index of Montana law (MCA)
www.leg.mt.gov/css/mtcode_const

Board of Oil and Gas Conservation
2535 St. John's Ave.
Billings, MT 59102
(406) 656-0040
Fax: (406) 655-6015
www.bogc.dnrc.mt.gov

Mineral Leasing Section, DNRC (State Land)
P.O. Box 201601
Helena, MT 59620-1601
(406) 444-2074
http://dnrc.mt.gov/trust/MMB/OG/

Bureau of Land Management (Federal Land)
Montana State Office, 5001 Southgate Dr.
Billings, Montana 59101
(406) 896-5000
FAX: (406) 896-5298
www.blm.gov/mt

Created by the Environmental Quality Council, this brochure is a summary document and is not a substitute for complete laws and regulations. The brochure reflects Montana law as of October 1, 2013.

To:

From:

A Guide to Split Estates in Oil and Gas Development

What is a split estate?

A split estate occurs when the right to develop oil or gas deposits is severed from the surface. Therefore, one party may own the right to farm the land, build a house, or graze cattle, but another party owns the right to drill for the underlying oil or gas.

How does an estate become split?

Governments around the world have long recognized the importance of reserving mineral rights when giving away or selling land—maintaining the option of developing minerals could mean cash in the future. As land was settled in Montana and the rest of the West under numerous homestead acts, the federal government reserved the rights to develop coal and other minerals.

Who owns what?

In Montana, the federal Bureau of Land Management (BLM) and the state of Montana are large land and mineral owners, but many minerals are owned privately. Among federal, state, and private ownership of either the surface or mineral estate, there could be any combination of ownership. Private owners may sell the surface to one party and the minerals to another, or the owner of an estate may sell the surface but retain the minerals. In the case of minerals, it is worth noting that under any piece of land, different parties may own rights to different minerals. For example, one party may own the right to develop the coal, while another may hold the rights to the oil and gas.

Where are the mineral ownership records?

The deed to the property is a good place to start. For surface owners, if the deed says ownership of the property is fee simple or fee simple absolute, that means the surface and mineral rights are intact unless otherwise indicated in the chain of title. If a personal copy of the deed isn't available, the information is most likely on file with the Clerk and Recorder for the county in which the land is located. A legal description of the land would be helpful in finding mineral deeds, grants, or reservations.

If initial searches are unsuccessful, some title companies or landmen may provide assistance for a fee. Make sure that surface and mineral rights ownership are included in the title search.

What about mineral leasing?

Mineral owners often lease minerals to an oil and gas developer. To find out if minerals are leased, contact the mineral owners if they are known. Mineral leases are usually on file with the Clerk and Recorder for the county in which the land is located. State-owned minerals are administered and leased by the Minerals Management Bureau of the Department of Natural Resources and Conservation. For more information or to be placed on a mailing list for mineral lease sales, call 406-444-2074.

Federally owned minerals are administered and leased by the BLM. The Montana website for the agency is www.blm.gov/mt. The site contains information on current and historical sales as well as regulations.

What about partial mineral ownership and pooling?

In some cases, more than one party may own minerals under a parcel of land. Even if some of the mineral owners do not want to drill, Montana law allows that the mineral interests may still be developed. See Title 82, chapter 11, part 2, MCA, or call the Board of Oil and Gas Conservation for more information.

Who can do what?

Both the surface and mineral owners in a split estate have property rights. However, courts have held that the mineral right has no value unless the oil or gas can be removed from the ground. That means that mineral owners have the right to reasonable use of the surface, regardless of whether or not the surface owner grants permission. State and federal regulations further define this relationship. Surface and mineral owners are encouraged to open a line of communication as soon as possible to discuss plans and needs. This can happen before drilling is planned. If the surface owner leases the land to another party, the surface owner is encouraged to include the lessee or any others who may have an interest in the surface use in discussions about the use of the property.

Senate Local Govt. Comm.
Exhibit No. 5
Date 3-24-2021
Bill No. HB 527

What happens with exploration? Most exploration is done with seismic equipment that tests for the potential presence of oil or gas by measuring shock waves Surface damage is usually minimal.	
The exploration firm shall:	* Apply for a permit from the local County Clerk and Recorder * Notify the surface owner when exploration will occur * Provide the surface owner with a copy of Title 82, chapter 1, part 1, and Title 82, chapter 10, part 5, MCA, and a current copy of this brochure
The surface owner shall:	* Provide the exploration firm with the name and address of a contact person * Provide the name and address of the exploration firm to any lessees, tenants, or other parties responsible for surface operations on the property
The surface owner should:	* Ask for the name and address of the exploration firm, proof of a valid permit, evidence of insurance, the number of the surety bond, a description and locations of planned activities, and the need, if any, to use water * Learn who owns and/or leases the minerals and inquire about future plans, including but not limited to well locations and placement of roads, ponds, and other facilities
The surface owner may:	* Wish to consult with a title company regarding subsurface ownership interests
What is a drilling notice? When a surface owner receives a drilling notice, that means that a mineral developer may enter the property and begin drilling operations 20 days after the notice is given The full text of the law is contained in 82-10-503, MCA.	
The mineral developer shall:	* At least 20 days but not more than 180 days prior to entry, provide notice to the surface owner of any activity that will disturb the land surface (This does not include surveying activities) * Provide the surface owner with a copy of Title 82, chapter 10, part 5, MCA, and a current copy of this brochure * Sufficiently disclose the work plan so that the surface owner may evaluate effects on the land
The mineral developer's surveyor shall:	* Provide 15 days' notice by certified mail before entering on the property unless the notice requirement is waived * Provide the identity of the person requesting the survey, the purpose of the survey, and the name of the surveyor and the surveyor's employer * List the dates, times, and location of entry to the land, including the estimated number of entries and provide a timetable for the survey, including an estimated completion date * Ask the surface owner to provide the surveyor with the name of each person who occupies the land as a tenant or lessee
The surface owner may:	* Waive the drilling notice requirement * Request a written surface use agreement * Want to examine the BLM handbook of Best Management Practices that addresses such things as facilities placement, road building, visual resources, and reclamation It can be found at local BLM offices and on the web at www blm gov/bmp * Wish to consult an attorney * Report violations of the notice requirements to the Board of Oil and Gas Conservation Violations may result in a fine
The mineral developer and the surface owner should:	* Provide each other with contact information that can be used at any time, especially in emergency situations * Work together on the location and appearance of wells, roads, other facilities, powerlines, pipelines, and impoundment ponds * Discuss conditions of access, including time, dust mitigation, and any situations that may require special attention, such as seasonal agricultural operations
What are surface damage/disruption payments? Montana law states that while developing oil and gas reserves is necessary, surface owners must be justly compensated for damages to the property caused by drilling When determining damages, consideration must be given to how long the oil and gas activity will be present. Terms are defined in 82-10-502, MCA the full text of the law is contained in 82-10-504, MCA **Damages must be paid for:** * Loss of agricultural production and income. * Lost land value. * Lost value of improvements	
The surface owner and mineral developer shall:	* Attempt to negotiate in good faith an agreement on damages The amount may be determined by any mutually agreeable formula and, if both parties agree, may be a form of compensation other than money At the request of either party and upon mutual agreement, the surface owner and the mineral developer may enter into a dispute resolution process, including mediation
The surface owner may:	* In the case of a producing well, elect to receive annual damage payments over a period of time * Wish to consult an attorney
The surface owner and mineral developer should:	* Discuss items such as reclamation of roads and impoundment pond sites, restoration of fences, trees, grasses, and shrubs, length of drilling activity, and handling of produced water
In the absence of agreement on damages:	* The surface owner shall notify the mineral developer of the damages sustained within 2 years after the injury occurs * The mineral developer shall reply within 60 days with a written offer * If the surface owner does not receive a written reply, rejects the offer, or receives a written rejection, the surface owner may bring an action for compensation in the District Court of the county in which the damage was sustained
What about coal bed methane development?	In general, coal bed methane (CBM) development falls under the same laws and regulations as oil and conventional natural gas development But state law does address CBM operations specifically in regard to water The full text of the law is contained in 82-11-175, MCA
Before a CBM well is drilled, the mineral developer shall:	* Notify and offer a reasonable mitigation agreement to each appropriator of water who holds an appropriation right or a permit to appropriate under Montana law that is for ground water and for which the point of diversion is within 1 mile of the CBM well or 1/2 mile of a well that is adversely affected by a CBM well The mitigation agreement must address the reduction or loss of water resources and must provide for prompt supplementation or replacement of water from any natural spring or water well adversely affected by the CBM well The mitigation agreement is not required to address a loss of water well productivity that does not result from a reduction in the amount of available water because of production of ground water from the CBM well
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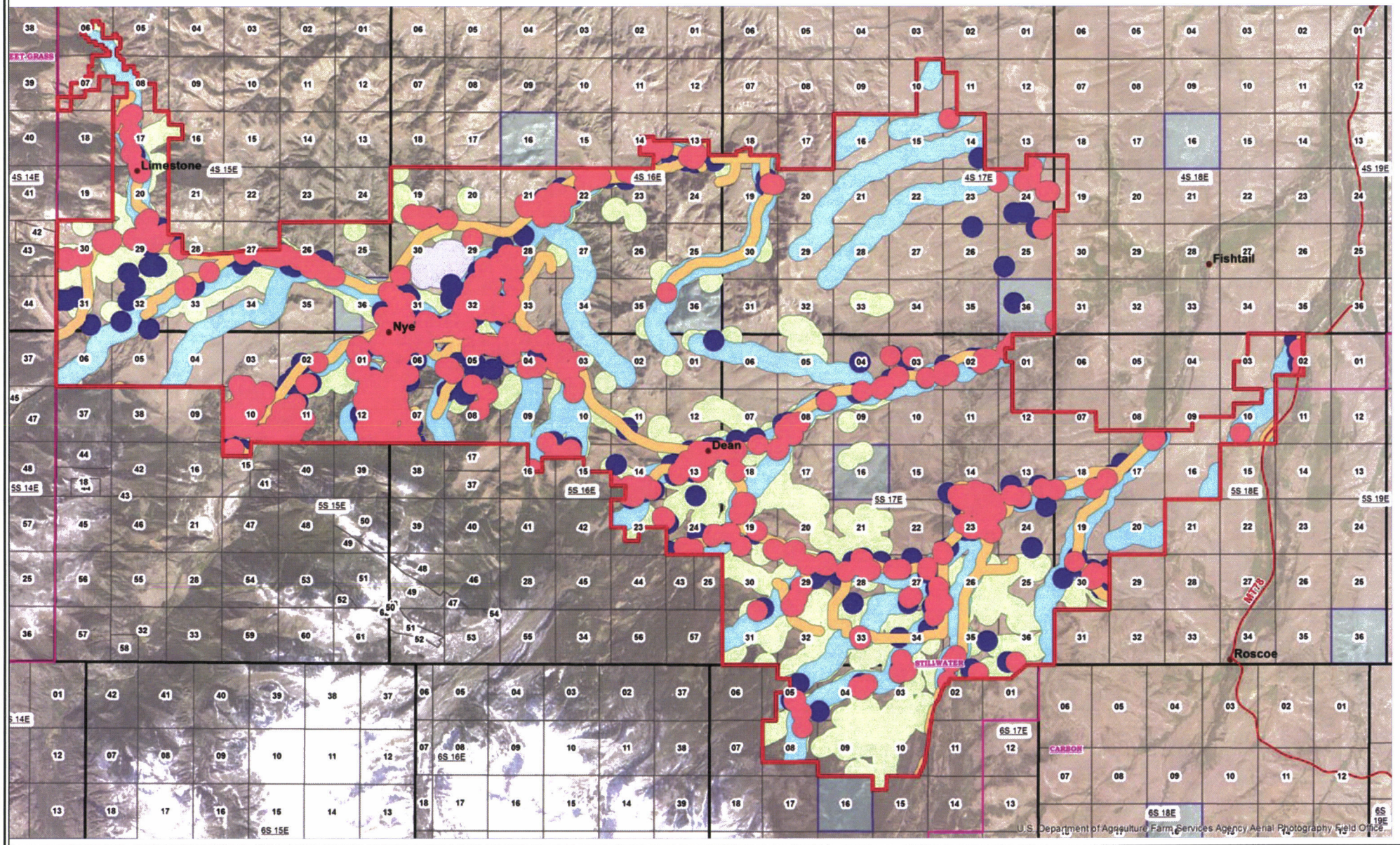

1000' Structure Buffer
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* Total Zoning Area = 83,042 Acres
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Beartooth Front Approximate Proposed Buffer Areas

Not to scale

N
W E
S

Map Description: BT Front Buffer Map
Location: Stillwater County
Date: October 2019

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Board of Oil and Gas Conservation
2535 St. John's Ave.
Billings, MT 59102
(406) 656-0040
Fax: (406) 655-6015
www.bogc.dnrc.mt.gov

Mineral Leasing Section, DNRC (State Land)
P.O. Box 201601
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Senate Local Govt. Comm.
Exhibit No. 5
Date 3-24-2021
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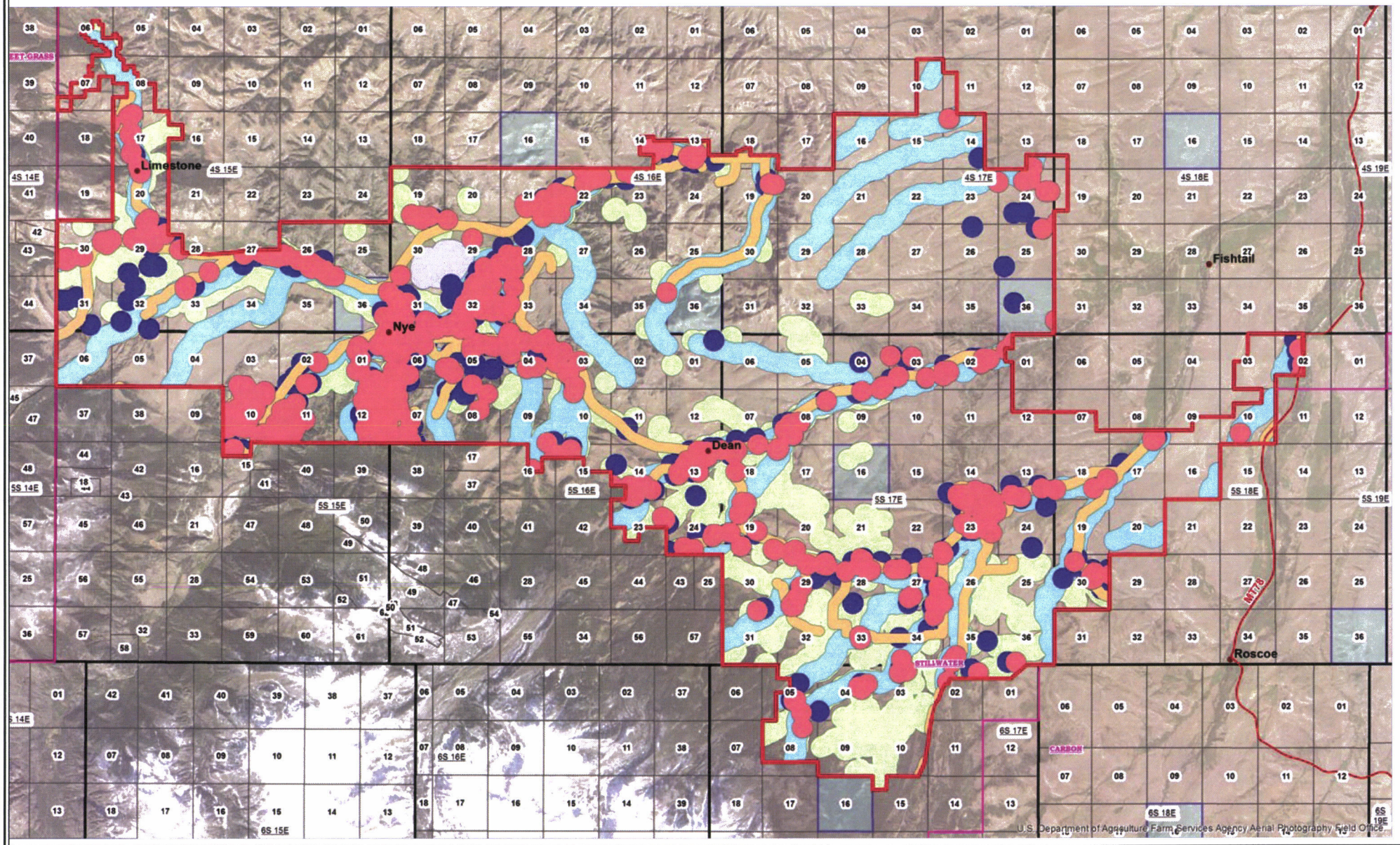

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Beartooth Front Approximate Proposed Buffer Areas

Not to scale

N
W E
S

Map Description: BT Front Buffer Map
Location: Stillwater County
Date: October 2019

Senate Local Govt. Comm.
Exhibit No. 6
Date 3-24-2021
Bill No. HB 527

Spencer, Nadine

From: leg-noreply@mt.gov
Sent: Monday, March 22, 2021 4:37 PM
To: LEG Applications Email Backup; LEG Committee-Senate Local Govt testimony
Subject: Public Comment for Bill HB-527: Require draft proposals before initiating a county zoning/planning board 2021-03-24 03:00 PM - (S) Local Government Successfully Submitted on 03-22-21 16:36

Details:
Bill: HB-527: Require draft proposals before initiating a county zoning/planning board 2021-03-24 03:00 PM - (S) Local Government
Position: Opponent
Representing an Entity/Another Person: No
Organization: N/A
Name: Robert Grudier
Email: bob_grudier@hotmail.com
Phone: (252) 373-2243
City, State: Helena, MT
Written Statement: HB 527 places onerous new requirements to complete the already difficult process that citizen petitioners must follow to create a citizen-initiated zone to control the encroachment of industrial operations that are harmful to their communities. It also creates new expenses to be borne by the petitioners. Also, the language of the bill is so vague that some of the effects can only be guessed at. For instance, the language of the bill on page 1, lines 9-11 indicates that validation of signatures of mineral rights owners is an expense for which petitioners are liable, although that language is not carried over into lines 22-25 of the same page, which uses the words "collect and verify names and addresses of owners of mineral rights". The language implies to me that mineral rights owners are a special class whose signatures are required to create the zone. If so, by withholding their signatures, they could effectively veto the creation of the zone. If not, then what does this language mean? I believe that a reasonably intelligent person should be able to read a two page bill and understand what it does.

I believe that HB 527, HB 599, and SB 284 are part of a coordinated effort by gravel pit operators working through industry lobbyists to take away any existing methods for affected landowners to resist the establishment of gravel pits and other industrial operations in their neighborhoods. Opencut gravel pits do not coexist well with residential neighborhoods. Clouds of dust, contamination of local wells, and excessive noise are all common issues at these sites. It is not healthy for people to be exposed to gravel pit operations for any length of time.

In summary, I believe the overall purpose of HB 527 is to deny property owners in residential neighborhoods the ability to use citizen initiated zoning to control the types of operations that those citizens wish to permit in their communities by raising the requirements for establishment of the zone to a level that is impossible to obtain. This will effectively silence their voices and disenfranchise them in a matter that directly affects their health and safety.
Files:
Testify via Zoom: No
Zoom Method: N/A

Senate Local Govt. Comm.
Exhibit No. 8
Date 3-24-2021
Bill No. HB527

Spencer, Nadine

From: leg-noreply@mt.gov
Sent: Tuesday, March 23, 2021 9:15 AM
To: LEG Applications Email Backup; LEG Committee-Senate Local Govt testimony
Subject: Public Comment for Bill HB-527: Require draft proposals before initiating a county zoning/planning board 2021-03-24 03:00 PM - (S) Local Government Successfully Submitted on 03-23-21 09:14
Attachments: MAP_HB 527 3-23-2021.pdf

Details:
Bill: HB-527: Require draft proposals before initiating a county zoning/planning board 2021-03-24 03:00 PM - (S) Local Government
Position: Opponent
Representing an Entity/Another Person: Yes
Organization: Montana Association of Planners
Name: Andrew Hagemeier
Email: mtplanners.org@gmail.com
Phone: (406) 531-9762
City, State: Missoula
Written Statement: Dear Chairman Gauthier and Distinguished Members of the Committee:
Thank you for taking the time to consider our comments. The Montana Association of Planners (MAP) works with a variety of partners to guide state policy outcomes that will benefit of our communities, residents, and the planning profession. We do not advocate for a specific type of planning, rather we focus on the tools and processes that give communities the opportunity to create futures that work for each of them.

MAP stands in opposition to HB 527 as drafted, largely for technical reasons, but supports one of major provisions of the bill - ensuring adequate information is available to the public throughout the process of creating a "Part 1" zoning district.

Our first concern is with the challenge of accurately identifying mineral right owners. Mineral interests are often fractured and diluted over time due to acquisitions, bankruptcies, and settling of estates, making it verify difficult to identify all the mineral right owners with any level of certainty. Since the board of county commissioners would be tasked with making determinations about affected real property owners in the zoning process, this would create a new level of liability for counties that we would prefer to avoid.

Our second concern is with the change of the protest period in 76-2-101(5) from 30 days to 90 days. Since the petition required on the front end of the zoning process must include 60% of affected real property owners in support of creating a proposed district, we believe 30 days for the protest period is adequate, and the change to 90 days is excessive.

Finally, we are concerned that the proposed language in 76-2-101(6)(c) may unreasonably constrain county commissioners from addressing concerns that are raised as part of public comment if such solutions include making adjustments to a proposed development pattern, resolutions, and other materials. It would be our preference that this section be deleted, but we also offer the following amended language to address that mostly addresses our concern:

The final adopted development pattern, resolutions, and other materials that govern the zoning district as required in 76-2-104 and 76-2-107 must be substantially similar to the draft documents provided to the county commissioners as required in subsection (6)(a), EXCEPT FOR ANY CHANGES ADOPTED BY THE COUNTY COMMISSIONERS IN RESPONSE TO PUBLIC COMMENT.

For the reasons outlined above, we ask for a "do not pass" on HB 527.

Respectfully,

Montana Association of Planners Legislative Committee
Files: MAP_HB 527 3-23-2021.pdf
Testify via Zoom: Yes
Zoom Method: Computer

Montana Association of Planners

The Montana Association of Planners
PO Box 1179
Livingston, MT 59047

March 22, 2021

Montana State Legislature
State Capitol
PO Box 201706
Helena, MT 59620-1706

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Our first concern is with the challenge of accurately identifying mineral right owners. Mineral interests are often fractured and diluted over time due to acquisitions, bankruptcies, and settling of estates, making it verify difficult to identify all the mineral right owners with any level of certainty. Since the board of county commissioners would be tasked with making determinations about affected real property owners in the zoning process, this would create a new level of liability for counties that we would prefer to avoid.

Our second concern is with the change of the protest period in 76-2-101(5) from 30 days to 90 days. Since the petition required on the front end of the zoning process must include 60% of affected real property owners in support of creating a proposed district, we believe 30 days for the protest period is adequate, and the change to 90 days is excessive.

Finally, we are concerned that the proposed language in 76-2-101(6)(c) may unreasonably constrain county commissioners from addressing concerns that are raised as part of public comment if such solutions include making adjustments to a proposed development pattern, resolutions, and other materials. It would be our preference that this section be deleted, but we also offer the following amended language to address that mostly addresses our concern:

> The final adopted development pattern, resolutions, and other materials that govern the zoning district as required in 76-2-104 and 76-2-107 must be substantially similar to the draft documents provided to the county commissioners as required in subsection (6)(a), EXCEPT FOR ANY CHANGES ADOPTED BY THE COUNTY COMMISSIONERS IN RESPONSE TO PUBLIC COMMENT.

For the reasons outlined above, we ask for a "do not pass" on HB 527.

Respectfully,

Montana Association of Planners Legislative Committee

Senate Local Govt. Comm.
Exhibit No. 9
Date 3-24-2021
Bill No. HB 527

Spencer, Nadine

From: leg-noreply@mt.gov
Sent: Monday, March 22, 2021 4:53 PM
To: LEG Applications Email Backup; LEG Committee-Senate Local Govt testimony
Subject: Public Comment for Bill HB-527: Require draft proposals before initiating a county zoning/planning board 2021-03-24 03:00 PM - (S) Local Government Successfully Submitted on 03-22-21 16:52

Details:
Bill: HB-527: Require draft proposals before initiating a county zoning/planning board 2021-03-24 03:00 PM - (S) Local Government
Position: Opponent
Representing an Entity/Another Person: No
Organization: N/A
Name: Hannah Hernandez
Email: precambrianmt@hotmail.com
Phone: (406) 638-1149
City, State: Troy, MT
Written Statement: HB 527 hurts rural Montana and prevents people from protecting their property, community and rural character by throwing up impossible roadblocks to local zoning efforts. Please allow communities from Ravalli County to Richland to continue to protect themselves and their property by voting NO on HB 527!
Files:
Testify via Zoom: No
Zoom Method: N/A

Spencer, Nadine

From: leg-noreply@mt.gov
Sent: Tuesday, March 23, 2021 11:18 AM
To: LEG Applications Email Backup; LEG Committee-Senate Local Govt testimony
Subject: Public Comment for Bill HB-527: Require draft proposals before initiating a county zoning/planning board 2021-03-24 03:00 PM - (S) Local Government Successfully Submitted on 03-23-21 11:18

Details:
Bill: HB-527: Require draft proposals before initiating a county zoning/planning board 2021-03-24 03:00 PM - (S) Local Government
Position: Opponent
Representing an Entity/Another Person: No
Organization: N/A
Name: Michele Dieterich
Email: telechele@hotmail.com
Phone: (330) 472-9780
City, State: Hamilton
Written Statement: Thanks for the opportunity to comment. I am opposed to this bill. It takes away the power of neighborhoods to create safe, quiet places to live and raise children. You always complain about federal oversight. What is this but taking away local control.
Please vote no on this bill.
Files:
Testify via Zoom: No
Zoom Method: N/A

From:	Dennis Heinzig
To:	mrmac570@me.com; johnesp2001@yahoo.com; EllieMarieBoldman@gmail.com; Mark.Blasdel@mtleg.gov; Carlie.Boland@mtleg.gov; Jason.Ellsworth@mtleg.gov; steve.fitzpatrick@mtleg.gov; chris@chrisfriedel.com; shane@shaneformt.com; Chris.Pope@mtleg.gov; Henneman, Toni
Subject:	[EXTERNAL] Opposition to HB 527
Date:	Monday, March 22, 2021 8:46:55 PM

Dear Committee Members:

I am writing to ask you all to oppose House Bill 527. This is a bad bill in that it takes away the discretion and the legitimate rights of private property owners to establish what kind of surface uses (residential, commercial, industrial, etc.) are permitted protect their surface rights on their property through citizen initiated zoning districts. It does this by placing the burden and costs on surface right owners to locate and notify all subsurface mineral rights owners to allow them to protest the proposed zoning.

As it is cost prohibitive and nearly impossible to ascertain mineral rights owners for split-estates - even for small acreages, this new requirement will make it essentially impossible for citizens initiated zoning districts to be established. Subsurface mineral right owners have never been given such "veto" power over surface zoning districts. In conclusion, HB527 creates unnecessary new barriers to creating or expanding a Part One-Zoning District like the Egan Slough Citizen Initiated Zoning District (CIZ) in the Flathead, or the 41 CIZs in Ravalli County and even more in Gallatin County and elsewhere in the state.

Please oppose this bill. Thank you for considering my position.

Kind Regards,

Dennis Heinzig
1617 Whitefish Hills Dr.
Whitefish, MT 59937

From:	Andy
To:	mrmac570@me.com; johnesp2001@yahoo.com; EllieMarieBoldman@gmail.com; Mark.Blasdel@mtleg.gov; Carlie.Boland@mtleg.gov; Jason.Ellsworth@mtleg.gov; steve.fitzpatrick@mtleg.gov; chris@chrisfriedel.com; shane@shaneformt.com; Chris.Pope@mtleg.gov; Henneman, Toni
Subject:	[EXTERNAL] HB527
Date:	Monday, March 22, 2021 7:33:21 PM

Please vote no on HB527.

It creates unnecessary barriers to creating or expanding a Part One-Zoning District like the Egan Slough Citizen Initiated Zoning District (CIZ) in the Flathead, or the 41 CIZs in Ravalli County and even more in Gallatin County and elsewhere in the state.

We worked hard to get the Egan Slough zoning district, and now, if you pass this, you will be overruling the will of the people of Flathead County! That is unacceptable.

Thanks for listening, and hopefully, your no vote!

Andy Hudak III
801 River Lakes Pkwy.
Whitefish, MT 59937

"Follow your heart but take your brain with you."
-- Alfred Adler

From:	Don J Burgard
To:	mrmac570@me.com; johnesp2001@yahoo.com; EllieMarieBoldman@gmail.com; Mark.Blasdel@mtleg.gov; Carlie.Boland@mtleg.gov; Jason.Ellsworth@mtleg.gov; steve.fitzpatrick@mtleg.gov; chris@chrisfriedel.com; shane@shaneformt.com; Chris.Pope@mtleg.gov; Henneman, Toni
Subject:	[EXTERNAL] HB 527 - I oppose.
Date:	Monday, March 22, 2021 6:48:04 PM

I feel that HB 527 should not be considered because it appears it would make it more difficult for citizens to initiate zoning. Where my cabin is located up the North Fork there are plenty of reasons for folks to need and want special zoning considerations.

Don J. Burgard - Kalispell

From:	Adele Zimmerman
To:	mrmac570@me.com; johnesp2001@yahoo.com; EllieMarieBoldman@gmail.com; Mark.Blasdel@mtleg.gov; Carlie.Boland@mtleg.gov; Jason.Ellsworth@mtleg.gov; steve.fitzpatrick@mtleg.gov; chris@chrisfriedel.com; shane@shaneformt.com; Chris.Pope@mtleg.gov; Henneman, Toni
Cc:	Adele Zimmerman
Subject:	[EXTERNAL] Please oppose HB527
Date:	Monday, March 22, 2021 6:37:27 PM

Dear Committee Members:

Please oppose HB527, in order to protect the rights of citizens and local governments and to maintain the current laws on citizen initiated zoning.

Yours truly,
Adele Zimmerman
adele@cyberport.net
(406) 755-4905
460 Lake Loop Drive
Kalispell, MT 59901

From:	Kathryn Schlapfer
To:	mrmac570@me.com; johnesp2001@yahoo.com; EllieMarieBoldman@gmail.com; Mark.Blasdel@mtleg.gov; Carlie.Boland@mtleg.gov; Jason.Ellsworth@mtleg.gov; steve.fitzpatrick@mtleg.gov; chris@chrisfriedel.com; shane@shaneformt.com; Chris.Pope@mtleg.gov; Henneman, Toni
Subject:	[EXTERNAL] HB 527
Date:	Monday, March 22, 2021 4:48:54 PM

I oppose HB 527.
Kate Schlapfer
Somers MT

From:	GIL & SUSAN
To:	mrmac570@me.com; johnesp2001@yahoo.com; EllieMarieBoldman@gmail.com; Mark.Blasdel@mtleg.gov; Carlie.Boland@mtleg.gov; Jason.Ellsworth@mtleg.gov; steve.fitzpatrick@mtleg.gov; chris@chrisfriedel.com; shane@shaneformt.com; Chris.Pope@mtleg.gov; Henneman, Toni
Subject:	[EXTERNAL] HB 527
Date:	Monday, March 22, 2021 4:45:15 PM

Please vote NO for HB 527.

It creates impossible barriers for the general public to follow.

Gil Conrad

146 Fairway Blvd

Kalispell, zmt.

From: Collin Leach
To: mrmac570@me.com; johnesp2001@yahoo.com; EllieMarieBoldman@gmail.com; Mark.Blasdel@mtleg.gov; Carlie.Boland@mtleg.gov; Jason.Ellsworth@mtleg.gov; steve.fitzpatrick@mtleg.gov; chris@chrisfriedel.com; shane@shaneformt.com; Chris.Pope@mtleg.gov; Henneman, Toni
Subject: [EXTERNAL] Local zoning
Date: Monday, March 22, 2021 4:31:23 PM

Whatever happened to the theory of local control?

Collin Leach

From:	Jane Senter
To:	mrmac570@me.com; johnesp2001@yahoo.com; EllieMarieBoldman@gmail.com; Mark.Blasdel@mtleg.gov; Carlie.Boland@mtleg.gov; Jason.Ellsworth@mtleg.gov; steve.fitzpatrick@mtleg.gov; chris@chrisfriedel.com; shane@shaneformt.com; Chris.Pope@mtleg.gov; Henneman, Toni
Subject:	[EXTERNAL] HB527
Date:	Tuesday, March 23, 2021 8:20:24 AM

Dear Committee Members,

I am writing on behalf my husband, myself & our family. This is a poorly crafted bill & unfairly limited citizen participation which is a cornerstone of our democracy. We are long time landowners in Montana & strongly oppose this legislation.

Thank You,

Jane Senter& Stephen Shumate

1263 Whispering Pines

Big Fork, Montana

Sent from my iPad

From:	lazycpa@aol.com
To:	mrmac570@me.com; johnesp2001@yahoo.com; EllieMarieBoldman@gmail.com; Mark.Blasdel@mtleg.gov; Carlie.Boland@mtleg.gov; Jason.Ellsworth@mtleg.gov; steve.fitzpatrick@mtleg.gov; chris@chrisfriedel.com; shane@shaneformt.com; Chris.Pope@mtleg.gov; Henneman, Toni
Subject:	[EXTERNAL] West Valley Zoning
Date:	Tuesday, March 23, 2021 9:10:46 AM

Greetings committee members,

As a recent transplant to the community (six years this summer) have been amused by the divisive nature of governmental legislative undertakings and citizen engagement.

If one simply takes the high road and does the honorable activity, all will be good. But since all is not good, one has to look at their actions and underlying motives and question what is driving those decisions and actions.

It is not easy to do the right thing. While It is the right thing to do and the only thing that matters to the grandchildren, it is still not so easy.

Suggest checking out the classic movie of 50 years ago with James Stewart, "It is a Wonderful Life"

Always something to learn for all of us. You will be glad you did. Otherwise, it is **Pottersville** for us all.

It is very hard to make good decisions. It is certainly worth the effort. It is what builds the infamous "community"

Thank you and good luck!

Stuart Halpern

Whitefish, MT 59937

From:	Dennis L
To:	mrmac570@me.com; johnesp2001@yahoo.com; EllieMarieBoldman@gmail.com; Mark.Blasdel@mtleg.gov; Carlie.Boland@mtleg.gov; Jason.Ellsworth@mtleg.gov; steve.fitzpatrick@mtleg.gov; chris@chrisfriedel.com; shane@shaneformt.com; Chris.Pope@mtleg.gov; Henneman, Toni
Subject:	[EXTERNAL] HB 527
Date:	Tuesday, March 23, 2021 10:59:13 AM

Dear Committee Members,

Thank you all for the work you are doing!

Please deny the passage of HB 527!

Please continue to allow property owners to have input on decisions made now and in the future on property uses that impact us and our families.

Thank you and good luck.
Sincerely,
The Lewin Family

Sent from my iPhone

From:	Sheila Shapiro
To:	mrmac570@me.com; johnesp2001@yahoo.com; EllieMarieBoldman@gmail.com; Mark.Blasdel@mtleg.gov; Carlie.Boland@mtleg.gov; Jason.Ellsworth@mtleg.gov; steve.fitzpatrick@mtleg.gov; chris@chrisfriedel.com; shane@shaneformt.com; Chris.Pope@mtleg.gov; Henneman, Toni
Subject:	[EXTERNAL] NO on 527
Date:	Tuesday, March 23, 2021 1:50:58 PM

Please don't take property owners rights away!

From:	Gael Bissell
To:	mrmac570@me.com; johnesp2001@yahoo.com; EllieMarieBoldman@gmail.com; Mark.Blasdel@mtleg.gov; Carlie.Boland@mtleg.gov; Jason.Ellsworth@mtleg.gov; steve.fitzpatrick@mtleg.gov; chris@chrisfriedel.com; shane@shaneformt.com; Chris.Pope@mtleg.gov; Henneman, Toni
Subject:	[EXTERNAL] SB 527 Vote No
Date:	Tuesday, March 23, 2021 7:59:45 PM

This bill flies in the face of citizen initiated zoning and the protection of their property rights by putting a totally undue burden on those landowners to deal with subsurface owners, split estates, etc. The bill is designed to gut citizen initiated zoning, a right of property owners. Please vote no on this bill.
Thank you.

Gael Bissell
535 Lower Valley Rd
Kalispell, MT 59901

Spencer, Nadine

From: leg-noreply@mt.gov
Sent: Monday, March 15, 2021 11:56 AM
To: LEG Applications Email Backup; LEG Committee-Senate Local Govt testimony
Subject: Public Comment for Bill HB-527: Require draft proposals before initiating a county zoning/planning board 2021-03-17 03:00 PM - (S) Local Government Successfully Submitted on 03-15-21 11:55

Details:
Bill: HB-527: Require draft proposals before initiating a county zoning/planning board 2021-03-17 03:00 PM - (S) Local Government
Position: Opponent
Representing an Entity/Another Person: Yes
Organization: Montana Environmental Information Center
Name: Anne Hedges
Email: ahedges@meic.org
Phone: (406) 443-2520
City, State: Helena, MT
Written Statement: N/A
Files:
Testify via Zoom: Yes
Zoom Method: Computer

Spencer, Nadine

From: leg-noreply@mt.gov
Sent: Tuesday, March 23, 2021 7:33 AM
To: LEG Applications Email Backup; LEG Committee-Senate Local Govt testimony
Subject: Public Comment for Bill HB-527: Require draft proposals before initiating a county zoning/planning board 2021-03-24 03:00 PM - (S) Local Government Successfully Submitted on 03-23-21 07:32

Details:
Bill: HB-527: Require draft proposals before initiating a county zoning/planning board 2021-03-24 03:00 PM - (S) Local Government
Position: Opponent
Representing an Entity/Another Person: Yes
Organization: Bitterrooters for Planning
Name: Carlotta Grandstaff
Email: grandstaff@cybernet1.com
Phone: (406) 360-4482
City, State: Hamilton, MT
Written Statement: Comments were previously emailed to members of the committee.
Files:
Testify via Zoom: Yes
Zoom Method: Computer

MINUTES

MONTANA SENATE
67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: Chair Terry Gauthier, on March 31, 2021 at 3:04 PM, in Room 405 Capitol

ROLL CALL

Members Present in the room:

Sen. Terry Gauthier, Chair (R)
Sen. Ellie Boldman, Vice Chair (D)
Sen. John Esp, Vice Chair (R)
Sen. Mark Blasdel (R)
Sen. Jason W. Ellsworth (R)
Sen. Steve Fitzpatrick (R)
Sen. Chris Friedel (R)
Sen. Shane A. Morigeau (D)
Sen. Christopher Pope (D)

Members Present by Zoom Video Conference:

Sen. Carlie Boland (D)

Members Excused:

Members Absent: None

Staff Present: Izmerai Alvarado, Committee Secretary
Toni Henneman, Legislative Branch
Monte Cole, Remote Meeting Coordinator

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 403, 3/30/2021

Executive Action: SB 403 - Do Pass; HB 450 - Be Concurred in as Amended; SB 385 - Tabled; SB 388 - Tabled; SB 397 - Tabled

HEARING ON SB 403

Opening Statement by Sponsor:
15:06:17 Sen. Bob Keenan (R), SD 5, opened the hearing on SB403, Revise county water and/or sewer district rate notification laws.

Proponents' Testimony:
15:09:05 Julie Spencer, manager, Big Fork Water and Sewer District; Woods Bay Water and Sewer District
15:14:14 Steve Wade, Montana Rural Water Systems (MRWS)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:
15:16:47 Sen. Pope
15:17:09 Ms. Spencer, Big Fork Water & Sewer District
15:17:22 Sen. Pope
15:17:46 Mr. Wade, MRWS
15:18:25 Sen. Esp
15:18:42 Sen. Keenan

Closing by Sponsor:
15:19:10 Sen. Keenan

EXECUTIVE ACTION ON SB 403

15:20:17 **Motion/Vote:** Sen. Esp moved that **SB 403 DO PASS**. Motion carried unanimously by voice vote. Sen. Blasdel, Sen. Boldman, Sen. Ellsworth and Sen. Morigeau voted by proxy.

EXECUTIVE ACTION ON HB 450

15:21:09 **Motion:** Sen. Esp moved to **RECONSIDER THE PREVIOUS ACTION** on **HB 450**. (action was taken on 03/26/2021, but the bill was not reported out of committee)

Discussion:
15:21:40 Sen. Boland
15:21:44 Sen. Esp

15:22:16 **Vote:** Motion carried unanimously by voice vote. Sen. Blasdel, Sen. Boldman, Sen. Ellsworth and Sen. Morigeau voted by proxy.

15:22:37 **Motion/Vote:** Sen. Esp moved **TO REMOVE AMENDMENT HB 450.1.2 AND THE CONCEPTUAL AMENDMENT.** Motion carried unanimously by voice vote. Sen. Blasdel, Sen. Boldman, Sen. Ellsworth and Sen. Morigeau voted by proxy.

15:23:25 **Motion:** Sen. Esp moved that **HB 450 BE CONCURRED IN**.

15:23:29 **Motion:** Sen. Esp moved that **HB 450 BE AMENDED**.
EXHIBIT(los63a01)

Discussion:
15:24:12 Sen. Boland
15:24:18 Sen. Esp

15:25:21 **Vote:** Motion carried unanimously by voice vote. Sen. Blasdel, Sen. Boldman, Sen. Ellsworth and Sen. Morigeau voted by proxy.

15:25:48 **Motion/Vote:** Sen. Esp moved that **HB 450 BE CONCURRED IN AS AMENDED**. Motion carried unanimously by voice vote. Sen. Blasdel, Sen. Boldman, Sen. Ellsworth and Sen. Morigeau voted by proxy. Sen. Esp will carry the bill.

EXECUTIVE ACTION ON HB 527

15:26:40 **Motion:** Sen. Esp moved that **HB 527 BE CONCURRED IN**.

15:27:03 **Motion:** Sen. Esp moved that **HB 527 BE AMENDED**.
EXHIBIT(los63a02)

Discussion:
15:27:16 Toni Henneman, Legislative Services Division (LSD)
15:29:05 Sen. Pope
15:29:23 Sen. Esp
15:29:45 Sen. Boland
15:29:56 Sen. Esp
15:30:17 Sen. Pope
15:31:14 Ms. Henneman, LSD

15:32:20 **Vote:** Motion carried unanimously by voice vote. Sen. Blasdel, Sen. Boldman, Sen. Ellsworth and Sen. Morigeau voted by proxy.

15:32:45 **Motion:** Sen. Esp moved that **HB 527 BE CONCURRED IN AS AMENDED**.

Discussion:
15:32:57 Sen. Pope

15:33:40 **Vote:** Motion carried 6-4 by roll call vote with Sen. Boland, Sen. Boldman, Sen. Morigeau and Sen. Pope voting no. Sen. Blasdel, Sen. Boldman, Sen. Ellsworth and Sen. Morigeau voted by proxy. Sen. Esp will carry the bill.

EXECUTIVE ACTION ON SB 385

15:35:16 **Motion:** Sen. Esp moved that **SB 385 DO PASS**.

Discussion:
15:35:31 Sen. Friedel
15:35:47 Toni Henneman, Legislative Services Division (LSD)

15:36:02 **Motion:** Sen. Friedel moved that **SB 385 BE AMENDED**.
EXHIBIT(los63a03)

Discussion:
15:36:50 Sen. Esp
15:37:22 Sen. Friedel
15:38:26 Sen. Esp

15:38:55 **Vote:** Motion carried unanimously by voice vote. Sen. Blasdel, Sen. Boldman, Sen. Ellsworth and Sen. Morigeau voted by proxy.

15:39:20 **Motion:** Sen. Esp moved that **SB 385 DO PASS AS AMENDED**.

Discussion:
15:39:28 Sen. Friedel
15:42:07 Sen. Pope
15:43:33 Sen. Boland
15:44:10 Sen. Esp
15:45:14 Sen. Fitzpatrick
15:45:41 Sen. Esp

15:45:57 **Vote:** Motion failed 5-5 by roll call vote with Sen. Blasdel, Sen. Ellsworth, Sen. Fitzpatrick, Sen. Friedel and Sen. Gauthier voting aye. Sen. Blasdel, Sen. Boldman, Sen. Ellsworth and Sen. Morigeau voted by proxy.

15:47:06 **Motion/Vote:** Sen. Gauthier moved that **SB 385 BE TABLED**. Motion carried 6-0 by voice vote. Sen. Blasdel, Sen. Boldman, Sen. Ellsworth and Sen. Morigeau were excused.

EXECUTIVE ACTION ON SB 388

15:47:48 **Motion:** Sen. Esp moved that **SB 388 DO PASS**.

Discussion:
15:48:10 Sen. Esp
15:48:16 Toni Hennman, Legislative Services Division (LSD)

15:48:25 **Motion:** Sen. Esp moved that **SB 388 BE AMENDED**.
EXHIBIT(los63a04)

Discussion:
15:50:13 Ms. Henneman, LSD

15:50:32 **Vote:** Motion carried unanimously by voice vote. Sen. Blasdel, Sen. Boldman, Sen. Ellsworth and Sen. Morigeau voted by proxy.

15:51:09 **Motion:** Sen. Esp moved that **SB 388 DO PASS AS AMENDED**.

Discussion:
15:51:19 Sen. Friedel
15:51:58 Sen. Esp
15:52:27 Sen. Friedel
15:53:06 Sen. Pope
15:55:17 Sen. Boland

15:56:17 **Vote:** Motion failed 5-5 by roll call vote with Sen. Blasdel, Sen. Ellsworth, Sen. Esp, Sen. Fitzpatrick and Sen. Gauthier voting aye. Sen. Boldman, Sen. Ellsworth and Sen. Morigeau voted by proxy.

15:57:06 **Motion/Vote:** Sen. Fitzpatrick moved that **SB 388 BE TABLED**. Motion carried 8-2 by voice vote with Sen. Blasdel and Sen. Ellsworth voting no. Sen. Blasdel, Sen. Boldman, Sen. Ellsworth and Sen. Morigeau voted by proxy.

EXECUTIVE ACTION ON SB 397

15:58:01 **Motion:** Sen. Esp moved that **SB 397 DO PASS**.

Discussion:
15:58:19 Toni Henneman, Legislative Services Division (LSD)
15:58:57 Sen. Esp
15:59:18 Chair Gauthier

15:59:36 **Motion:** Sen. Esp moved that **SB 397 BE AMENDED**.
EXHIBIT(los63a05)

Discussion:
15:59:49 Ms. Henneman, LSD

16:01:03 **Vote:** Motion carried unanimously by voice vote. Sen. Blasdel, Sen. Boldman, Sen. Ellsworth and Sen. Morigeau voted by proxy.

16:01:29 **Motion:** Sen. Esp moved that **SB 397 DO PASS AS AMENDED**.

Discussion:
16:02:33 Sen. Pope
16:04:05 Sen. Boland
16:04:43 Sen. Esp

16:05:21 **Vote:** Motion failed 4-6 by roll call vote with Sen. Blasdel, Sen. Boldman, Sen. Ellsworth and Sen. Gauthier voting aye. Sen. Blasdel, Sen. Boldman, Sen. Ellsworth and Sen. Morigeau voted by proxy.

16:06:17 **Motion/Vote:** Sen. Esp moved that **SB 397 BE TABLED**. Motion carried 6-0 by voice vote. Sen. Blasdel, Sen. Boldman, Sen. Ellsworth and Sen. Morigeau were excused.

16:06:46 Sen. Esp
16:07:22 Sen. Boland
16:07:32 Sen. Esp
16:07:53 Sen. Fitzpatrick

ADJOURNMENT

Adjournment: 4:08 PM

_____
Izmerai Alvarado, Secretary

ia

Additional Documents:

EXHIBIT(los63aad.pdf)

Senate Local Govt. Comm.
Exhibit No. 2
Date 3-31-2021
Bill No. HB 527

HOUSE BILL NO. 527

INTRODUCED BY F. NAVE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO PLANNING AND ZONING DISTRICTS; ~~REQUIRING THE SUBMISSION OF DRAFT PROPOSALS OF DEVELOPMENT PATTERNS AND ZONING REGULATIONS BEFORE DETERMINING THE NUMBER OF PETITIONS NECESSARY TO CREATE A CITIZEN-INITIATED ZONING DISTRICT~~; EXTENDING THE PERIOD TO PROTEST THE CREATION OF A PLANNING AND ZONING DISTRICT; REQUIRING THE SUBMITTAL OF DRAFT RESOLUTIONS TO THE BOARD OF COUNTY COMMISSIONERS; PROHIBITING ZONING REGULATIONS FROM REGULATING MINERALS OR MINERAL RIGHTS; ~~PROVIDING THAT PETITIONERS ARE LIABLE FOR EXTRA COSTS RELATED TO THE VALIDATION OF SIGNATURES OF MINERAL RIGHTS OWNERS; AND~~ AMENDING ~~SECTION~~ SECTIONS 76-2-101, 76-2-109, AND 82-11-112, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-2-101, MCA, is amended to read:

"**76-2-101. Planning and zoning commission and district.** (1) ~~(a)~~ Subject to the provisions of ~~subsection~~ subsections (5) and (6), whenever the public interest or convenience may require and upon petition of 60% of the affected real property owners in the proposed district, the board of county commissioners may create a planning and zoning district and may appoint a planning and zoning commission consisting of up to seven members.

~~(b) If the affected real property owners as provided in subsection (1)(a) are determined to include owners of mineral rights in the proposed district, the petitioners are liable for any additional costs necessary to collect and verify the names and addresses of the owners of mineral rights if the county does not already have the information readily available.~~

(2) A planning and zoning district may not be created in an area that has been zoned by an incorporated city pursuant to 76-2-310 and 76-2-311.

(3) For the purposes of this part, the word "district" means any area that consists of not less than 40 acres.

(4) Except as provided in subsection (5), an action challenging the creation of a planning and zoning district must begin within 6 months after the date of the order by the board of county commissioners creating the district.

(5) If real property owners representing 50% of the titled property ownership in the district protest the establishment of the district within ~~30~~ 90 days of its creation, the board of county commissioners may not create the district. An area included in a district protested under this subsection may not be included in a zoning district petition under this section for a period of 1 year.

(6) (a) Before the board of county commissioners determines whether the number of affected real property owners necessary to meet the petition requirement of subsection (1) has been met, draft documents of the proposed materials that may potentially govern the proposed district must be made available to the board of county commissioners. Draft documents of the proposed materials required in this subsection (6) may include but are not limited to drafts of:

(i) a development pattern as provided in 76-2-104;

(ii) a resolution as provided in 76-2-107; and

(iii) the land use and zoning regulations as provided in 76-2-107.

~~(b) The board of county commissioners shall use the draft documents provided as required in subsection (6)(a) to determine the real property owners in the district that qualify as affected property owners pursuant to subsection (1).~~

~~(c)~~(b) The final adopted development pattern, resolutions, and other materials that govern the zoning district as required in 76-2-104 and 76-2-107 must be ~~substantially~~ similar to the draft documents provided to the county commissioners as required in subsection (6)(a)."

Section 2. Section 76-2-109, MCA, is amended to read:

"76-2-109. Effect on natural resources. (1) ~~No planning district or recommendations~~ Regulations adopted under this part ~~shall~~ may not regulate lands used for grazing, horticulture, agriculture, ~~or~~ the growing of timber, or the complete use, development, or recovery of any mineral.

(2) (a) A provision of this part may not be construed to alter law regarding the primacy of the mineral estate, to limit access to the mineral estate, or to limit development of the mineral estate.

(b) A resolution or rule adopted pursuant to the provisions of this part may not prevent the complete use, development, or recovery of any mineral that is under the jurisdiction of the board of oil and gas conservation pursuant to Title 82, chapter 11, part 1."

Section 3. Section 82-11-112, MCA, is amended to read:

"**82-11-112. Intergovernmental cooperation.** ~~The~~Subject to 76-2-109, the board may cooperate with any other state, interstate, or federal agency and other governmental agencies of the state to effect the objects and purposes of this chapter and expend such funds as may be reasonably necessary in connection therewith."

NEW SECTION. **Section 4. EFFECTIVE DATE.** [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.

- END -

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